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AGENDA / MINUTES
OF THE COUNCIL OF THE
CORPORATION OF THE CITY
OF HAMILTON
MARCH 28, 1995



**MEETING OF THE COUNCIL
OF THE CORPORATION OF THE CITY OF HAMILTON**

GOVERNMENT DOCUMENTS

**Tuesday, 1995 March 28
7:30 o'clock p.m.
Council Chambers, City Hall**

**J. J. Schatz
City Clerk**

A G E N D A

1. National Anthem.

2. Opening Prayer:

**Father Emeric Fuzy
St. Cyril and Methodius Slovak Roman Catholic Church**

3. Presentations:

(a) Civic Ring to Regional Chairman Terry Cooke

(b) Safe Schools Policy

**(i) Hamilton Public Board of Education
Don Goodridge, Director
Murray Quinn
Superintendent of Lower Schools
Responsible for Safe School Policy**

**Hamilton-Wentworth Roman Catholic Separate School Board
Jerry Ponikvar, Director of Education
Phillip DiFrancesco, Superintendent of Education**

(c) Award of Distinction

**The Community Council Advisory Committee and the Department of
Culture and Recreation - Gil Simmons and Diane Dent**

**(d) Certificates of Recognition for citizens who have served on City
Committees/Boards/Commissions**

**(i) Angelo Dilanni, HECFI
(ii) Ron Bowman - Hamilton Region Conservation Authority
(iii) Margaret MacGillivray - Public Library Board**

4. Proclamations

- (a) "Father Sean O'Sullivan Month" - March 1995
- (b) "Cancer Month" - April 1995
- Wendy Brown, Fundraising Chair, Hamilton Unit, Canadian Cancer Society

5. Declaration of Office - Director of Culture and Recreation - R. Fair

6. Adoption of the minutes of the meeting held 1995 March 14.

7. Correspondence\Petitions

8. Reports of the Standing Committees:

- (b) Parks and Recreation Committee
- (c) Planning and Development Committee
- (d) Finance and Administration Committee

9. Notices of Motion from previous meeting.

- (a) Mayor R. M. Morrow - GTA
- (b) Mayor R. M. Morrow - Downtown Redevelopment
- (c) Alderman D. Wilson - Election to Higher Office

10. Notices of Motion for next meeting.

11. First Reading of the Bills.

12. Second Reading of the Bills - Committee of the Whole.

13. Third Reading of the Bills.

14. Question Period.

15. Adjournment.

MINUTES

Minutes of Hamilton City Council
Tuesday, 1995 March 14
7:30 o'clock p.m.
Council Chamber, City Hall

The Council met:

Present: Acting Mayor Jackson
Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson,
Agostino, Eisenberger, Charters, Merling, Anderson, Ross, D'Amico.

Absent: Mayor R. Morrow - vacation

Acting Mayor Jackson called the meeting to order.

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The National Anthem was played.

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Reverend Brant Loper, Binkley United Church led Council in prayer.

<p>PRESENTATIONS</p>

A Certificate of Recognition was presented to the following citizens who have served on City Committees/Boards/Commissions

- (a) Nirmal Takhar - Committee of Adjustment
- (b) J. Cameron Nolan - HECFI
- (c) Robert Helwig - Hamilton Region Conservation Authority
- (d) John Syko - Public Library Board
- (e) Lindsay Nelson - Land Division Committee

ADOPTION OF MINUTES

The minutes of the following meetings were adopted as circulated:

- (a) 1995 February 28 - regular meeting
- (b) 1995 March 2 - special meeting
- (c) 1995 March 7 - special meeting
- (d) 1995 March 9 - special meeting

CORRESPONDENCE

1. Letter dated February 23, 1995 from Centennial Credit Union Limited, Hamilton, Ontario for a change in zoning from "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District to "G" Neighbourhood Shopping Centre, etc.) District for 220 and 222 Burlington Street East, Hamilton, Ontario.

Received.

2. Letter dated March 7, 1995 from 90074 Ontario Inc., Hamilton, Ontario for changes in zoning from "C" (Urban Protected Residential, etc.) District to "G" (Neighbourhood Shopping Centre, etc.) District, modified, for Block "1", "AA" (Agricultural) District to "G" (Neighbourhood Shopping Centre, etc.) District, modified for Block "2", "AA" (Agricultural) District to "RT-30" (Street Townhouse) District for Blocks "3" and "4", and "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, for Block "5", for lands located at Nos. 1441 - 1477 Upper James Street, Hamilton, Ontario.

Received.

3. Letter from J. J. Schatz, City Clerk advising of objections to By-law 95-033 respecting property at Ainslie Wood Neighbourhood, Ainslie Wood East Neighbourhood, Ainslie Wood North Neighbourhood and Ainslie Wood West Neighbourhood.

Received.

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It was moved by Alderman Kiss and seconded by Alderman Caplan that the Reports of the Transport and Environment Committee, the Planning and Development Committee, the Finance and Administration Committee, the Report of the Hamilton-Scourge Steering Committee, and the Nominating Committee be considered in Committee of the Whole with Alderman Agostino in the chair.

Recorded vote.

YEAS: Acting Mayor Jackson, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Agostino, Eisenberger, Charters, Merling, Anderson, D'Amico, Ross. -16.

NAYS: -0.

CARRIED.

TRANSPORT AND ENVIRONMENT COMMITTEE - FOURTH REPORT
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Section 1 Re: Stop sign - Beach Road

It was moved by Alderman Merling and seconded by Alderman Morelli that Section 1 of the FOURTH Report of the Transport and Environment Committee for 1995 be amended by deleting in the second line the words "Rowanwood Avenue" and inserting in lieu thereof the words "Beach Road".

CARRIED.

* * * * *

Section 22 Re: Ministry of the Environment and Energy - Hotz Environmental Services - 239 Lottridge Street.

Recorded vote.

YEAS: Acting Mayor Jackson, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Wilson, Agostino, Eisenberger, Charters, Merling, Anderson, D'Amico, Ross. -15.

NAYS: Alderman Copps. -1.

CARRIED.

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Section 23 Re: Ministry of the Environment and Energy - Royal Recycling -15 Bigger Avenue

Recorded vote.

YEAS: Acting Mayor Jackson, Aldermen Caplan, Agro, McCulloch, Wilson, Agostino, Eisenberger, Charters, Merling, Anderson, D'Amico, Ross. -12.

NAYS: Aldermen Kiss, Drury, Morelli, Copps, -4.

CARRIED.

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Section 24 Re: Local Improvement Construction

Recorded vote.

YEAS: Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Agostino, Eisenberger, Charters, Merling, Anderson, D'Amico, Ross. -15.

NAYS: Acting Mayor Jackson. -1.

CARRIED.

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Section 27 Re: Crescent Oil Company of Canada Ltd.

Recorded vote.

YEAS: Acting Mayor Jackson, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Wilson, Agostino, Eisenberger, Charters, Merling, Anderson, D'Amico, Ross. -15.

NAYS: Alderman Copps. -1.

CARRIED.

PLANNING AND DEVELOPMENT COMMITTEE - EIGHTH REPORT

Section 3 (b) OHRP

It was moved by Alderman Drury and seconded by Alderman Morelli that Section 3(b) of the EIGHTH Report of the Planning and Development Committee for 1995 be amended by deleting in the second line the words "\$4.8-million" and inserting in lieu thereof the words "\$4.5-million".

CARRIED.

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Section 5 Re: Urbacore Management Ltd. - 1365 Limeridge Road East

Recorded vote.

YEAS: Acting Mayor Jackson, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Agostino, Eisenberger, Merling, Anderson, D'Amico, Ross. -15.

NAYS: Alderman Charters. -1.

CARRIED.

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Section 6 Re: Paletta International Corporation - Rymal Business Centre No. 1

Alderman V. Agro declared personal interest in, took no part in the debate and refrained from voting on this matter. Alderman Agro has a business relationship with an affiliate company.

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Section 10 Re: Denial of Zoning Application - 93-37 - 986-998 Upper Wentworth Street

It was moved by Alderman Anderson and seconded by Alderman Merling that Section 10 of the Eighth Report of the Planning and Development Committee be referred back. **CARRIED.**

FINANCE AND ADMINISTRATION COMMITTEE - EIGHTH REPORT

HAMILTON-SCOURGE PROJECT STEERING COMMITTEE - FIRST REPORT

NOMINATING COMMITTEE - THIRD REPORT

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It was moved by Alderman Kiss and seconded by Alderman Caplan that the Report of the Committee of the Whole on the Reports of the Transport and Environment Committee, the Planning and Development Committee, the Finance and Administration Committee, the Report of the Hamilton-Scourge Steering Committee, and the Nominating Committee be adopted.

Recorded vote.

YEAS: Acting Mayor Jackson, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Agostino, Eisenberger, Charters, Merling, Anderson, D'Amico, Ross. -16.

NAYS: -0.

CARRIED.

<p>BILLS</p>

It was moved by Alderman Kiss and seconded by Alderman Caplan that the following Bills be now read a first time:

A-17, A-18, A-19, A-20, A-21, A-22, A-23, A-24, A-25, A-26.
C-20, C-21, C-22.
D-18, D-19.

Recorded vote.

YEAS: Acting Mayor Jackson, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Agostino, Eisenberger, Charters, Merling, Anderson, D'Amico, Ross. -16.

NAYS: -0.

CARRIED.

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It was moved by Alderman Kiss and seconded by Alderman Caplan that Council move into Committee of the Whole to consider the following Bills, with Alderman Agostino in the chair. (second reading).

A-17, A-18, A-19, A-20, A-21, A-22, A-23, A-24, A-25, A-26.
C-20, C-21, C-22.
D-18, D-19.

Recorded vote.

YEAS: Acting Mayor Jackson, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Agostino, Eisenberger, Charters, Merling, Anderson, D'Amico, Ross. -16.

NAYS: -0.

CARRIED.

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Consideration of the Bills (second reading).

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It was moved by Alderman Kiss and seconded by Alderman Caplan that the Report of the Committee of the Whole on the following Bills, be adopted:

A-17, A-18, A-19, A-20, A-21, A-22, A-23, A-24, A-25, A-26.
C-20, C-21, C-22.
D-18, D-19.

Recorded vote.

YEAS: Acting Mayor Jackson, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Agostino, Eisenberger, Charters, Merling, Anderson, D'Amico, Ross. -16.

NAYS: -0.

CARRIED.

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It was moved by Alderman Kiss and seconded by Alderman Caplan that the following Bills, be now read a third time, signed, sealed and enrolled as By-laws:

A-17, A-18, A-19, A-20, A-21, A-22, A-23, A-24, A-25, A-26.
C-20, C-21, C-22.
D-18, D-19.

Recorded vote.

YEAS: Acting Mayor Jackson, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Agostino, Eisenberger, Charters, Merling, Anderson, D'Amico, Ross. -16.

NAYS: -0.

CARRIED.

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City Council then adjourned at 8:10 o'clock p.m.

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Taken as read and approved.

ACTING MAYOR JACKSON

J. J. Schatz, City Clerk
1995 March 14

JJS/dg

CORRESPONDENCE

Correspondence:

1. Letter dated 1995 March 14 from 1104729 Ontario Limited, Oakville Ontario for changes in zoning from "AA" (Agricultural) District to "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District for Block "1", "AA" (Agricultural) District to "H" (Community Shopping and Commercial, etc.) District, modified for Block "2", and "G-3 (Public Parking Lots) District, modified, to "H" (Community Shopping and Commercial, etc.) District, modified for Block "3" for lands located at the rear of No. 141 Queenston Road, Hamilton, Ontario.

Recommendation:

Be Received.

REPORT OF THE PARKS AND RECREATION COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Parks and Recreation Committee presents its **EIGHTH** Report for 1995 and respectfully recommends:

1. (a) That it be confirmed with The Head-of-the-Lake Historical Society that due to serious financial constraints impacting on the City's Capital Budget program and in view of the Society's initial proposal to undertake the fountain reconstruction project at no cost to the City, no financial support will be forthcoming for the fountain project from the City in 1995; and,
- (b) That based on the City's inability to participate financially, The Head-of-the-Lake Historical Society re-assess the viability of the project and advise Committee of their intentions; and,
- (c) That should the Society intend to proceed with this project, the Chief Administrative Officer and City Treasurer be authorized to represent this project with senior levels of Government to determine eligibility for funding; and,
- (d) That based on receiving confirmation of the Society's intent to proceed with this project, the original fountain site in Gore Park, as shown on the plan attached hereto as Appendix "A", be approved as the location for the reconstruction of the Gore Park Fountain, subject to the approval of a permanent road closure of Hughson Street at this location; and,
- (e) That staff be authorized to assist The Head-of-the-Lake Historical Society with the design and installation of the fountain and the detailed plans for the modification of Gore Park to accommodate the new fountain.
2. (a) That approval, as required by Section 5(b) and Section 11 (a) and (c) of Parks By-law 77-221 be given to the following community associations:
 - (i) Eleanor Community Council to barbecue, sell food and merchandise at the grand opening of their new playstructure at Eleanor Park on 1995 June 3; and,

- (ii) Victoria Park Skating Rink Committee to barbecue and sell food at the Victoria Park Skating Rink Grand Opening at Victoria Park on 1995 March 19; and,
- (iii) Lisgar Park Committee to barbecue, sell food and barbecue at a garage sale/barbecue at Lisgar Park on 1995 June 10; and,
- (iv) Berrisfield Community Council to barbecue and sell food at the Berrisfield Championship Picnic at Berrisfield Park on 1995 August 26; and,
- (v) Project Committee of Christ's Church Cathedral on behalf of the Churches of the Durand Neighbourhood to barbecue, sell food and merchandise for an ecumenical garage sale in Durand Park on 1995 May 6 (raindate 1995 May 13); and,
- (vi) Carter Park Neighbourhood Watch to barbecue and to use amplification equipment during the National Night-Out Festival at Carter Park on 1995 August 1; and,
- (vii) Quinndale Community Council to barbecue and sell food during Opening Day celebrations at Mount Lions Park on 1995 May 27; and,

(b) That approval for the above be subject to the following terms and conditions:

- (i) That proof of \$2 million Comprehensive General Liability Insurance for Property Damage and Bodily Injury, naming the Corporation of the City of Hamilton as co-insured be provided to the City of Hamilton.

3. That approval, as required by Section 24 (1) and Section 11 (1) and Section 26 (3), of the Parks By-law No. 77-221, be given to the Hamilton Regional Cancer Centre, to sell food, alcoholic and non-alcoholic beverages at Globe Park on 1995 August 11, August 12 and August 13 and remain at the facility at Globe Park from Saturday 1995 August 12 at 9:00 o'clock a.m. until Sunday 1995 August 13 at 1:00 o'clock a.m. subject to the following terms and conditions:

- (a) That proof of \$2 million Comprehensive General Liability Insurance for Property Damage and bodily Injury and proof of \$5 million Liquor Licence Liability Insurance to be submitted 30 days in advance, naming the City as co-insured with a cross liability endorsement; and,

- (b) That the applicant assume responsibility for all labour charges associated with the event (set-up, dismantling, clean-up, etc.); and,
 - (c) That alcoholic beverages be served in a confined area of the Park upon receipt of approval of the Liquor Licence board; and,
 - (d) That special duty officer as deemed necessary by the Hamilton-Wentworth Regional Police be provided at the applicant's expense; and,
 - (e) That the Concessionaire at Globe Park be contacted to make the necessary arrangements for the provision of food at that location; and,
 - (f) That the applicant comply to the By-law No. 79-292 to Control Noise, and that the organization contact the Noise Control Officer in this regard; and,
 - (g) That those organizers and their workers who are providing Alcoholic beverages be encouraged to participate, on a voluntary basis, in a "Server Intervention Training Program".
4. (a) That approval, as required by Section 24 (1) and Section 5 (b) and Section 11 (1) of the Parks By-law No. 77-221, be given to sell food and non-alcoholic and/or alcoholic beverages to the organizations as follows:

Food and Non-Alcoholic Beverages:

- (i) Calvin Christian School - Mohawk Sports Complex, Track Area - 1995 June 2
- (ii) Federal Express Baseball Tournament - Globe Park - 1995 July 15
- (iii) Epilepsy Hamilton & District - Gage Park - 1995 June 10
- (iv) Canadian Mental Health Association - Turner Farms Park - '95 July 8
- (v) Ridge Raiders Drum & Bugle Corps - Sackville Stadium - 1995 June 24; and,

Food and Non-Alcoholic and Alcoholic Beverages:

- (i) Hamilton & District Slo-Pitch - Globe Park - 1995 June 16/17/18
 - (ii) Hamilton & District Slo-Pitch - Globe Park - 1995 August 25/26/27
 - (iii) Wentworth Adult Mixed Slo-Pitch - Globe Park - 1995 June 2/3/4
 - (iv) Hamilton Ladies Slo-Pitch Association - Globe Park - 1995 May 27/28
 - (v) Gourley Park Community - James MacDonald School Park - 1995 July 8 (rain: 1995 July 15)
 - (vi) Canusa Games Fund Raiser - Turner Farm Park - 1995 June 2/3/4/5; and,
- (b) That approval for the above at those locations and dates be subject to the following terms and conditions:
- (i) That proof of \$2 million Comprehensive General Liability Insurance for Property Damage and Bodily Injury and proof of \$5 million Liquor Licence Liability Insurance to be submitted 30 days in advance, naming the City as co-insured with a cross liability endorsement; and,
 - (ii) That the applicant assume responsibility for all labour charges associated with the event (set-up, dismantling, clean-up, etc.); and,
 - (iii) That alcoholic beverages be served in a confined area of the Park upon receipt of approval of the Liquor Licence board; and,
 - (iv) That special duty officer as deemed necessary by the Hamilton-Wentworth Regional Police be provided at the applicant's expense; and,
 - (v) That the Concessionaire at Globe Park be contacted to make the necessary arrangements for the provision of food at that location; and,
 - (vi) That those organizers and their workers who are providing Alcoholic beverages be encouraged to participate, on a voluntary basis, in a "Server Intervention Training Program".

5. (a) That permission be granted to I.M.G. Circus Corporation (Garden Brothers Circus) to use the Mountain Arena from 1995 April 14 to April 16, for seven performances subject to the following terms and conditions:
- (i) The Licence Fee to be paid by the Promoter to the City shall be \$935. per performance; and,
 - (ii) The cost of casual labour, full time over time premium pay for 1995 April 14 (Good Friday), April 17 (Easter Monday) and SOCAN music tariffs are the responsibility of the Promoter; and,
 - (iii) The Promoter will furnish at its own expense, the complete personnel, publicity, advertising, stage settings, stage hands, spotlights, spotlight operators, production and presentation of performances. The Promoter also agrees to provide police protection as deemed necessary by the Director of Culture and Recreation and the Hamilton-Wentworth Chief of Police; and,
 - (iv) Arrangement and payment for animal waste dumpsters shall be the responsibility of the Promoter; and,
 - (v) The Promoter agrees not to do or permit any act which is contrary to any statute or regulation of any competent authority or whereby the policies of insurance of the City might be endangered or the right, including copyright, of any other person might be offended; and,
 - (vi) The Promoter agrees to indemnify the City against damages, claims or losses alleged or actually suffered by reason of such act, including actions for liable and slander; and,
 - (vii) The Promoter will provide proof of three million dollars of public liability insurance coverage, with the City named as additionally insured with cross liability endorsement and severability of interest; and,
 - (viii) The Promoter agrees to promptly repair all damages caused to the Mountain Arena building, grounds, chattels and equipment caused by spectators, participants, the Promoter, its agents or contractors, or to pay the full cost of same; and,
 - (ix) The Promoter, its agents and employees shall not arrive at the Mountain Arena earlier than 8:00 a.m. on April 13 and shall vacate the premises no later than noon on 1995 April 17; and,

- (x) Performance Schedule: April 14 4:15 p.m. and 7:30 p.m.
April 15 11:00 a.m., 3:30 p.m. and 7:30 p.m.
April 16 1:00 p.m. and 4:30 p.m.; and,
- (b) That the City enter into a Licence Agreement with I.M.G. Circus Corp. (Garden Brothers Circus) satisfactory to the City Solicitor; and,
- (c) That the Hamilton Society for the Prevention of Cruelty to Animals (H.S.P.C.A.) be advised of this event and be invited to attend in order to monitor the event activities.
6. (a) That permission granted to the Portuguese Association of St. Michael the Archangel as required by Section 5 (b) and Section 24 (1) of the Parks By-law No. 77-221 to sell food and alcoholic beverages on the occasions of the Annual Festival of the Holy Spirit, 1995 June 9, 10 and 11, in the Dundurn Park Pavilion, subject to the following terms and conditions:
- (i) That proof of \$5 million dollars Comprehensive General Liability Insurance for Property Damage and Bodily Injury and Liquor liability insurance to be submitted 30 days in advance, naming the City as co-insured with a cross liability endorsement; and,
- (ii) That the applicant assume responsibility for all labour charges associated with the event (set-up, dismantling, clean-up, etc.); and,
- (iii) That alcoholic beverages may be served in the confined area of the Pavilion 12:00 o'clock noon - 8:00 o'clock p.m. on June 9, 9:00 o'clock a.m. - 11:00 o'clock p.m. on June 10 and 9:00 o'clock a.m. - 10:00 o'clock p.m. June 11, upon receipt of approval of the Liquor Licence Board; and,
- (iv) That Special Duty Officers as deemed necessary by the Hamilton-Wentworth Regional Police, be provided at the applicant's expense; and,
- (b) That the terms and conditions be reviewed and monitored by the Special Events/Festival Advisory Team and;
- (c) That those organizers and their workers who are providing Alcoholic Beverages be encourage to participate on a volunteer basis, in a "Server Intervention Training Program".

7.
 - (a) That the Director of Culture and Recreation be authorized to issue 4 (four) free golf passes, redeemable at either Chedoke or King's Forest golf courses during the 1995 Golf Season to the Hamilton-Wentworth Lung Association; and,
 - (b) That the Director of Culture and Recreation be directed to prepare a policy to grant the issuance of activity passes to community groups and associations.
8. That approval be given to the Director of Culture and Recreation to:
 - (a) deaccession the following artifacts that are currently housed in the Burlington Street storage facility and in the Dundurn Castle Stables:
 - (i) 1966.8.2.1-10: 10 wooden side chairs with leather upholstery, good condition, purchased in Montreal in 1966 for dining room before present set of chairs purchased; and,
 - (ii) 1965.58: wooden side board c.1865, poor condition, originally from Bermuda, donated in 1965 (stored in stables); and,
 - (iii) 1970: wooden drafting desk c.1870, poor condition, Waterdown area, in 1976 (stored in stables); and,
 - (iv) O.C. 703.1: wood framed leather sofa, c. 1875-1890, poor condition (stored in stables); and,
 - (v) 1970.144.1 a&b: ceramic stove, c.1880, fair condition (stables); and,
 - (vi) O.C. 469.1: oak chest, c.1650 (or probably 19th century repro.) very poor condition; and,
 - (vii-xiv) O.C.21.1, O.C.341, O.C.355.1, 1970.121.1, 1970.124.1, 1971.20.241, 1971.20.242, 1976.11.3: leather bound steamer trunks, late 19th-early 20th century, very poor condition; and,
 - (b) That the items be disposed of according to the Museum Policy and City of Hamilton Purchasing Policy; and,
 - (c) That any funds realized from the possible sale of the above artifacts be deposited in the Freda Waldon Trust Fund for acquisition of artifacts for Dundurn Castle.

9. That permission be granted to the Director of Culture and Recreation to:
 - (a) arrange with the Purchasing Division for the sale of the following previously deaccessioned items from the Dundurn Castle storage collection according to the City of Hamilton Purchasing Policy:
 - (i) staircase bannisters 1979.25.1a-b, 1979.25.a-c, 1979.25.3a-b, 1979.25.4ad; and,
 - (ii) railing sections (from old City Hall, representative elements on display at new City Hall) 1960.500.7a-g, 1960.500.9; and,
 - (iii) bed parts O.C.465.3a-h; and,
 - (iv) spinning wheels and parts O.C.453.1, O.C.452.1, O.C.451.1, O.C.455.2, O.C.445.30, O.C.445.27; and,
 - (v) gasoliers (Dundurn c.1899) O.C.668.1-.2; and,
 - (vi) feather wreaths 979.O.C.5.5-5.2; and,
 - (b) that any funds resulting in the sale of above be deposited in the Freda Waldon Trust Fund for acquisition of artifacts for Dundurn Castle.
10.
 - (a) That the full responsibility, accountability and allocated budget for the operation, as attached hereto as Appendix "B", of the Public Works Department, Parks Division, Facilities Section be transferred to the Culture and Recreation Department under the direction of the Director of Culture and Recreation; and,
 - (b) That the full responsibility, accountability and allocated budget for the City's playground equipment including tennis courts, bocci, basketball, spray pads and play structures be transferred from the Culture and Recreation Department to the Public Works Department, under the direction of the Director of Public Works; and,
 - (c) That the Directors of Public Works and Culture and Recreation Departments be authorized to implement the necessary staff and budget transfers and to report on these matters by 1995 March 31.
11. That the Hamilton Basketball Association's registration fee be increased from \$50. to \$55. per youth for the 1995 - 1996 Season.

12. (a) That the Camp Kidaca camper weekly registration fee be increased from \$50. to \$60.; and,
(b) That two additional Camp Counsellors be hired under contractual services to assist with programs and supervision.
13. (a) That the Beach Strip Adventure Day Camp registration fee be increased from \$30. to \$40. per child per week; and,
(b) That the pick-up and drop-off bus service be eliminated for the 1995 summer season.
14. (a) That permission be granted to the Lawfield Minor Hockey Association Incorporated to install a plaque within Lawfield Arena in memorium of Danny Parr and many other volunteers who have passed away after contributing their time and effort to the Lawfield community; and,
(b) That the location of this plaque be subject to the approval of the Manager, Property and Maintenance, Property Department and the Facility Supervisor, Lawfield Arena.
15. That the City renew the Licence Agreement, satisfactory to the City Solicitor, with the Hamilton Hornets Rugby Football Club to use the Clubhouse addition to the Field House, and the cement storage area in the Mohawk Sports Park for a one (1) year period with an option for the City to renew, for a further 2 five (5) year periods, subject to the following terms and conditions:
 - (a) That the Club will not apply for or hold a permanent liquor licence during the term of this licence agreement; and,
 - (b) That the Club obtain Special Occasion Permits to cover all consumption of alcoholic beverages associated with its activities and events, subject to Council approval; and,
 - (c) That the Club provide requests for Special Occasion Permits a minimum of 45 days in advance of the date(s); and,
 - (d) That the Club pay an annual licence fee in the amount \$1,200. per year payable in monthly instalments, on the first day of the month, for the primary use of the Clubhouse; and,

- (e) That the Club be required to pay an annual sum equal to 100% of the heating costs of the leased Clubhouse area for the period November to March inclusive; and,
 - (f) That the Club continue to pay for use of the sports fields according to established rates; and,
 - (g) That the Club maintain the licenced space at its own expense to the satisfaction of the Director of Culture and Recreation; and,
 - (h) That the City reserves the right to schedule other uses of the Clubhouse with due notice given to the Club; and,
 - (i) That proof of Commercial and General Liability, inclusive of Bodily Injury, Property Damage and All Risks Tenants Legal Liability, in the amount of \$5 million, to include but not limited to Liquor Liability, satisfactory to the City Solicitor, naming the City as co-insured be provided, or such higher amount as the City Solicitor, acting reasonably, may in future request.
16. That purchase orders be issued for the supply and delivery of Aggregates as and when required during 1995 by the Public Works Department in accordance with specifications issued by the Purchasing Division and the Vendors' tenders, and financed through Stock Materials Account No. CH56197 60999, as follows:

<u>Supplier</u>	<u>Material</u>	<u>Unit Pricing</u> (\$/tonne)
1. Lakeview Sand & Gravel	Granular 'A'	\$ 7.20
2. Taro Aggregates Ltd.	19mm Clear	\$ 8.85
3. Cayuga Materials & Construction	9.5mm Chips Washed	\$12.25
4. Taro Aggregates Ltd.	53mm Clear	\$ 8.85
5. Redland Quarries	#8 Dust Suppressed Grits	\$27.75
6. Redland Quarries	Athlete Field Lime	\$15.75
7. Lakeview Sand & Gravel	19mm Crusher Run	\$ 7.40
8. Redland Quarries	53mm Crusher Run	\$ 7.69
9. Lafarge Construction Materials	Rubble Stone	\$15.10
10. Lafarge Construction Materials	75-200mm Gabion Stone	\$15.10
11. Redland Quarries	9.5mm Screenings	\$ 7.85

* Note all prices are based upon delivery via tri-axle or tandem. GST and PST extra where applicable.

17. (a) That approval be given for the City of Hamilton to enter into a lease agreement in a form satisfactory to the City Solicitor, with Ontario Hydro, to lease the lands more particularly described as part of Lot 55, Concession 2, formerly in the Geographic Township of Ancaster, containing .777 hectares (1.92 acres) more or less, for an annual rental of \$2,100. plus GST, plus 50% of applicable taxes (estimated to be \$500.) to be charged to Account No. CH56398 62102 (General Park Maintenance) for ingress and egress for the purpose of parking motor vehicles only, for a term of twenty (20) years commencing on 1995 April 1; and,
- (b) That it be understood and agreed that part of the licensed lands are subject to an easement in favour of Trans Canada Pipelines as in Instrument No. 206418 H.L; and,
- (c) That it be understood and agreed that the lease be subject to the following terms and conditions:
- (i) the City install a post and cable fence around the perimeter of the parking area and driveway; and,
 - (ii) that subject area is to be kept free of debris and snow is not be piled on the site or abutting Ontario Hydro lands; and,
 - (iii) the City shall comply with the Design Standards of Ontario Hydro and the Ontario Health & Safety Act R.S.O. 1980; and,
 - (iv) Ontario Hydro access must not be impeded at any time during and after the construction; and,
 - (v) any future landscaping or lighting on the subject lands must be approved in writing by Ontario Hydro prior to its installation; and,
 - (vi) the City shall be responsible to maintain the culvert under the driveway off Scenic Drive to the satisfaction of Ontario Hydro; and,
 - (vii) the City shall ensure that the height of any vehicle, load, or the object, including attachments, or people standing near Ontario Hydro's conductors will not exceed 4.115 metres (13.5 feet) above existing grade; and,
 - (viii) this agreement may be terminated by either party any time after the expiration of the initial term upon thirty (30) days notice in writing; and,

- (ix) the City be responsible for the maintenance of the entire licensed area; and,
 - (x) the City pay the sum of \$2,100. plus GST in advance on the first day of each and every year during the first 5 year period of the 20 year term and an amount to be determined by Ontario Hydro at or before the commencement of any subsequent 5 year period; and,
 - (d) That the Mayor and City Clerk be authorized and directed to execute the necessary documents.
- 18.
- (a) That approval be given for the City of Hamilton to enter into a lease agreement in a form satisfactory to the City Solicitor, with Ontario Hydro, to lease the lands more particularly described as part of Lot 55, Concession 2, formerly in the Geographic Township of Ancaster, containing .777 hectares (1.92 acres) more or less, for an annual rental of \$2,100. plus GST, plus 50% of applicable taxes (estimated to be \$500.) to be charged to Account No. CH56398 62102 (General Park Maintenance) for ingress and egress for the purpose of parking motor vehicles only, for a term of twenty (20) years commencing on 1995 April 1; and,
 - (b) That it be understood and agreed that part of the licensed lands are subject to an easement in favour of Trans Canada Pipelines as in Instrument No. 206418 H.L.; and,
 - (c) That it be understood and agreed that the lease be subject to the following terms and conditions:
 - (i) the City install a post and cable fence around the perimeter of the parking area and driveway; and,
 - (ii) that subject area is to be kept free of debris and snow is not be piled on the site or abutting Ontario Hydro lands; and,
 - (iii) the City shall comply with the Design Standards of Ontario Hydro and the Ontario Health & Safety Act R.S.O. 1980; and,
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 - (v) any future landscaping or lighting on the subject lands must be approved in writing by Ontario Hydro prior to its installation; and,

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 - (vii) the City shall ensure that the height of any vehicle, load, or the object, including attachments, or people standing near Ontario Hydro's conductors will not exceed 4.115 metres (13.5 feet) above existing grade; and,
 - (viii) this agreement may be terminated by either party any time after the expiration of the initial term upon thirty (30) days notice in writing; and,
 - (ix) the City be responsible for the maintenance of the entire licensed area; and,
 - (x) the City pay the sum of \$2,100. plus GST in advance on the first day of each and every year during the first 5 year period of the 20 year term and an amount to be determined by Ontario Hydro at or before the commencement of any subsequent 5 year period; and,
- (d) That the Mayor and City Clerk be authorized and directed to execute the necessary documents.
19. (a) That in the event the Building Department determines that the current number of parking spaces is insufficient for the new building wing at Inch Park Arena, that parking be provided on the vacant City property located at the south-west corner of East 18th Street and Queensdale Avenue East and that the required zoning (G3) be applied; and,
- (b) That in the event the Building Department determines that the current number of parking spaces is insufficient for the new building that the new service driveway for Parkdale Arena be allowed to be enlarged to accommodate additional parking of approximately 20 spaces; and,
- (c) That any expansion of the parking lots within the Park be in consultation with the Parks Division of the Public Works Department, Culture and Recreation Department and Community Groups utilizing the Park.
20. (a) That Alderman F. Eisenberger, Alderman D. Wilson and Alderman B. Charters be appointed to serve on the Red Hill Valley Advisory Committee; and,
- (b) That Werner Plessl (Chris Firth-Eagland, alternate) be appointed to serve as the municipal staff representative on the technical support team; and,

1995 March 28

- (c) That two members of City Council be appointed to serve on the World Biosphere International Centre Committee; and,
 - (d) That Bob Chrystian (Chris Firth-Eagland, alternate) be appointed to serve as the municipal staff representative on the Staff Technical Committee; and,
 - (e) That Bob Chrystian be appointed to serve as the City's staff representative on the Interviewing Committee for citizen members along with a staff representative from the Province and Conservation Authority.
21. (a) That the Director of Property be directed to extend the lease in its present form with the owner(s) of Scott-MacDonald Marine on a month to month basis until 1996 April 30; and,
- (b) That staff be directed to negotiate a long term lease at a fair market value with the owner(s) of Scott-MacDonald Marine with the provision of a pedestrian access through the property; and,
 - (c) That if an agreeable lease agreement, suitable to the City cannot be reached, the present lease agreement be terminated on or before 1996 April 30; and,
 - (d) That staff be directed to report back on the issue of the lease agreement negotiations and long term plans for the subject property in conjunction with the Waterfront Development Project.

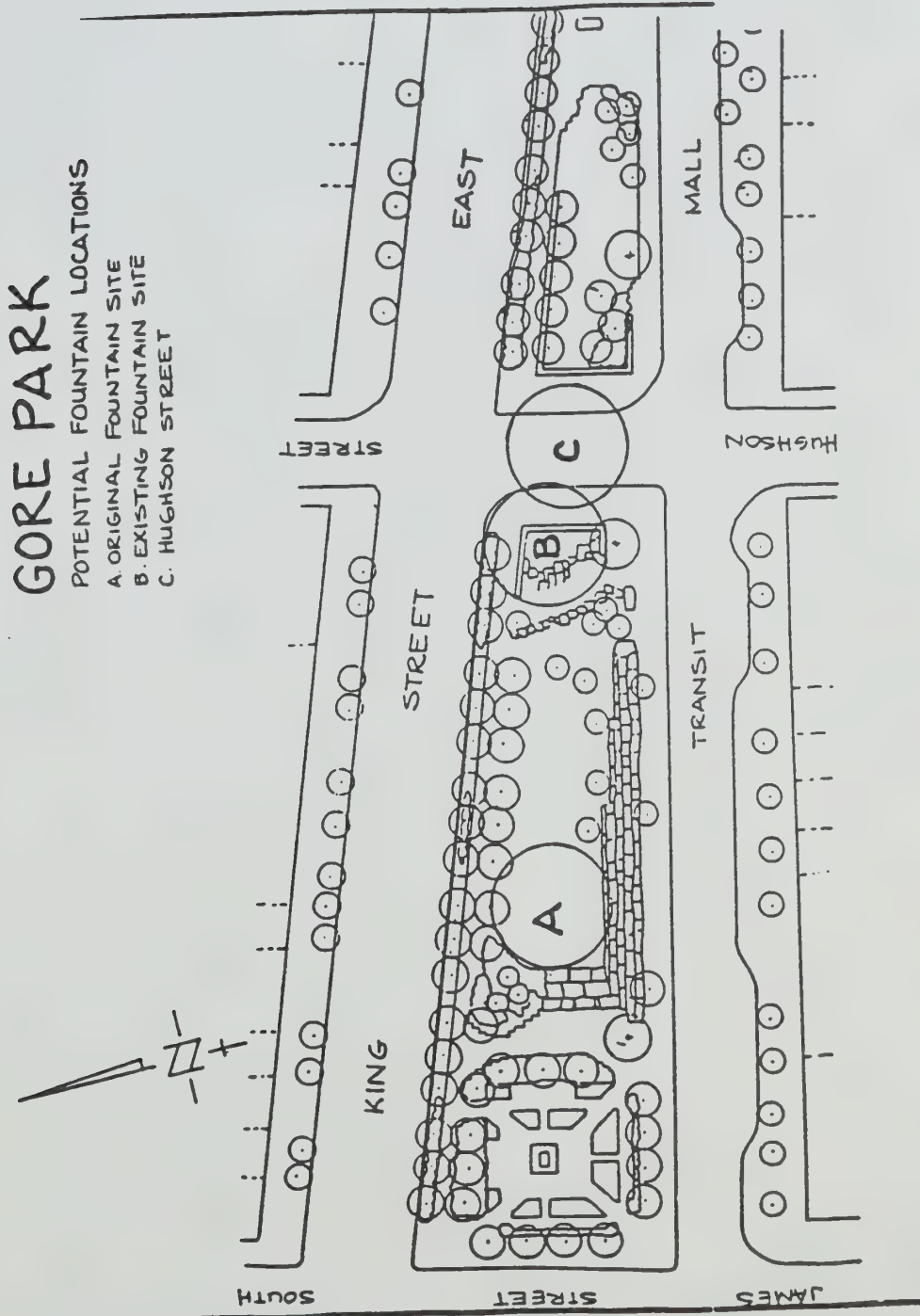
Respectfully Submitted,

**ALDERMAN T. JACKSON, CHAIRPERSON
PARKS AND RECREATION COMMITTEE**

**Kevin C. Christenson
Secretary**

1995 March 21

Appendix "A" as referred to
in Section 1 of the Eighth
Report of the Parks and
Recreation Committee for 1995



Appendix "B" as referred to
in Section 10 of the Eighth
Report of the Parks and
Recreation Committee for 1995

Public Works, Parks Division, Facilities Section including and limited to:

- Chedoke Golf Course
- Kings Forest Golf Course
- Chedoke Winter Sports Park
- Churchill Lawnbowling
- Fernleigh Lawnbowling
- Roselawn Lawnbowling
- Mt. Hamilton Lawnbowling
- Ivor Wynne Stadium
- Brian Timmis Stadium

The following park locations and facilities will be retained by Public Works:

- Globe Park
- Victoria Park
- Sackville Hill Park
- Mohawk Sports Park

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Planning and Development Committee presents its **TENTH** Report for 1995 and respectfully recommends:

1. That approval be given to Zoning Application ZAR-95-03, B.Y.M. Construction Limited (668674 Ontario Limited) and Bergamot Holdings Limited, owner, requesting a further modification to the "G" (Neighbourhood Shopping Centre, etc.) District regulations, to permit a ground (pylon) sign for business identification, for property located at No. 969 Upper Ottawa Street, as shown on the attached map marked as Appendix "A", on the following basis:
 - (a) That the "G" (Neighbourhood Shopping Centre, etc.) District regulations as contained in Section 13 of By-law No. 6593, as amended by By-law Nos. 70-259, 73-291, 75-178, 83-169 and 84-101, applicable to the subject lands, be modified to include the following variances as special requirements:
 - (i) Notwithstanding Section 13, only one ground sign for shopping centre and/or business identification shall be permitted along Upper Ottawa Street only, subject to the following requirements:
 - (1) no sign shall be more than 7.4 m in height and every sign shall have a height of at least 1.8 m from the ground to the bottom of the sign;
 - (2) no sign shall be more than 15.0 m² in area;
 - (3) every sign shall be setback a minimum of 4.5 m from any lot line; and,
 - (4) no sign shall be illuminated unless the source of light is steady and suitably shielded to contain the illumination.
 - (b) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-413c, and that the subject lands on Zoning District Map E-59A be notated S-413c.
 - (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-59A, for presentation to City Council.

- (d) That this proposed modification in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
- 2. That the Building Department be directed to implement the revised Barton Street Redevelopment Program as outlined on Appendice "B", "C", and "D" attached.
- 3. That Item 2.A. of the Fifth Report of the Planning and Development Committee to City Council on 1995 January 31, respecting Zoning Application ZAC-94-27 by Gerald Coleman and Robert Coleman, for lands at 71 Rymal Road West, be amended by renumbering (d),(e) and (f) to (h),(i) and (j) and inserting the following:
 - (a) (iii) a wall sign having a maximum area of 4m²;
 - (d) That notwithstanding the provisions of Section 18A (14a) and (14g) of Zoning By-law No. 6593, parking may be provided in the required front yard and not less than 15% of the gross area of the front yard shall be used for landscaped area.
 - (e) That notwithstanding the provisions of Section 18 (4)(iv) of Zoning By-law No. 6593, the accessory shed is permitted within the required side yard but shall not be closer than 1.5m to the side lot line.
 - (f) That notwithstanding the provisions of Section 18A (26) of Zoning By-law No. 6593, the access driveway must be at least 1.5m from the west property line.
 - (g) A landscape planting strip having a minimum width of 1.5 m shall be provided and maintained along the street line (northerly property line), except for any area used for vehicular access.
- 4. (a) That the City accept and execute the Minutes of Settlement attached as Appendix "E", once same has been executed by all other noted parties.
- (b) That an Addendum to the Minutes of Settlement be entered into by Seven Towers Non-Profit Family Day Care Inc. (hereinafter called "Seven Towers") and the City whereby Seven Towers, at its sole expense, agrees to:
 - (i) close off the existing South approach with concrete curbing as shown on Appendix "F" attached, to the satisfaction of the Director of Public Works; and
 - (ii) remove the asphalt/concrete hard surfacing to the East of the concrete curbing to be installed as shown on Appendix "F" attached, and landscape same to the satisfaction of the Director of Public Works.

- (c) That the City revise its current Lease dated the 14th day of December 1993 with Seven Towers to reflect the Minutes of Settlement and Addendum.
 - (d) That upon completion of (a), (b), and (c) above, City staff report to the Ontario Municipal Board on the position the City has taken on this matter.
 - (e) That the works required as a result of the Minutes of Settlement and Addendum be approved without a Site Plan Control Application.
5. (a) That the City of Hamilton terminate the Lease Agreement at 22 Tiffany Street with P. Italiano effective 1995 April 1; and,
- (b) That the City Solicitor be authorized and directed to discharge this Lease Agreement.
6. (a) That an Agreement by Owner to Accept Compensation, executed by Fedele Intini, on 1995 March 8 and to be completed on or before 1995 March 31, for the lands and buildings expropriated on 1991 April 9, having a frontage of 7.62 metres (25 feet), along the southerly limit of Brant Street, comprising an area of 185.8 square metres (2,000 square feet), more particularly described as 217 Brant Street, Hamilton, be approved and completed. This settlement includes final compensation at \$144,645.78; including payment of professional fees and disbursements at \$16,589.56 (\$5,078 to be paid directly to Geographic Realty Appraisal Ltd.), plus 6% interest on unpaid compensation from 1991 April 9 to the date of closing (\$75,586.79 of the said final compensation has already been paid to the former owner on 1992 May 7) and costs for this settlement be charged to Account No. CF 5590 308750001 (Alpha Enclave Clearance Program); and,
- (b) That it is understood and agreed that in addition the City agrees to pay Fedele Intini's reasonable additional legal fees incurred after 1994 January 26, provided the account for legal services, the hourly rates and hours incurred are satisfactory to the City Solicitor, failing agreement the City agrees to pay the amount of such fee assessed by an assessment officer of the Ontario Court of Justice; and,
- (c) That the Mayor and City Clerk be authorized and directed to execute the necessary documents for the settlement.
7. That the City of Hamilton accept the sum of \$3,750.00 as cash payment in lieu of the 5% land dedication in connection with "Claudette Gardens - Phase 7", Hamilton, this being the cash payment required under Section 51 of the Planning Act.

1995 March 28

8. That City Initiative 94-G for a general text amendment to Zoning By-law No. 6593 to add billiard rooms as a permitted use in the "H" (Community Shopping and Commercial, etc.) District be denied on the following basis:

That the existing "H" (Community Shopping and Commercial, etc.) District regulations are deemed to be appropriate.

9. That leave be granted to introduce the following Bills:

- (a) C-24 A By-law to Establish Site Plan Control Respecting Land Located at 71 Rymal Road West.
- (b) C-25 A By-law to Amend Zoning By-Law No. 6593 Respecting Land Located at 71 Rymal Road West.
- (c) C-26 A By-law to Amend Zoning By-Law No. 6593 Respecting Lands Located at the Rear of 144 Limeridge Road East.
- (d) C-27 A By-law to Amend Zoning By-law No. 6593 Respecting Lands Located at the South-East corner of Stone Church Road East and Dicenzo Drive.

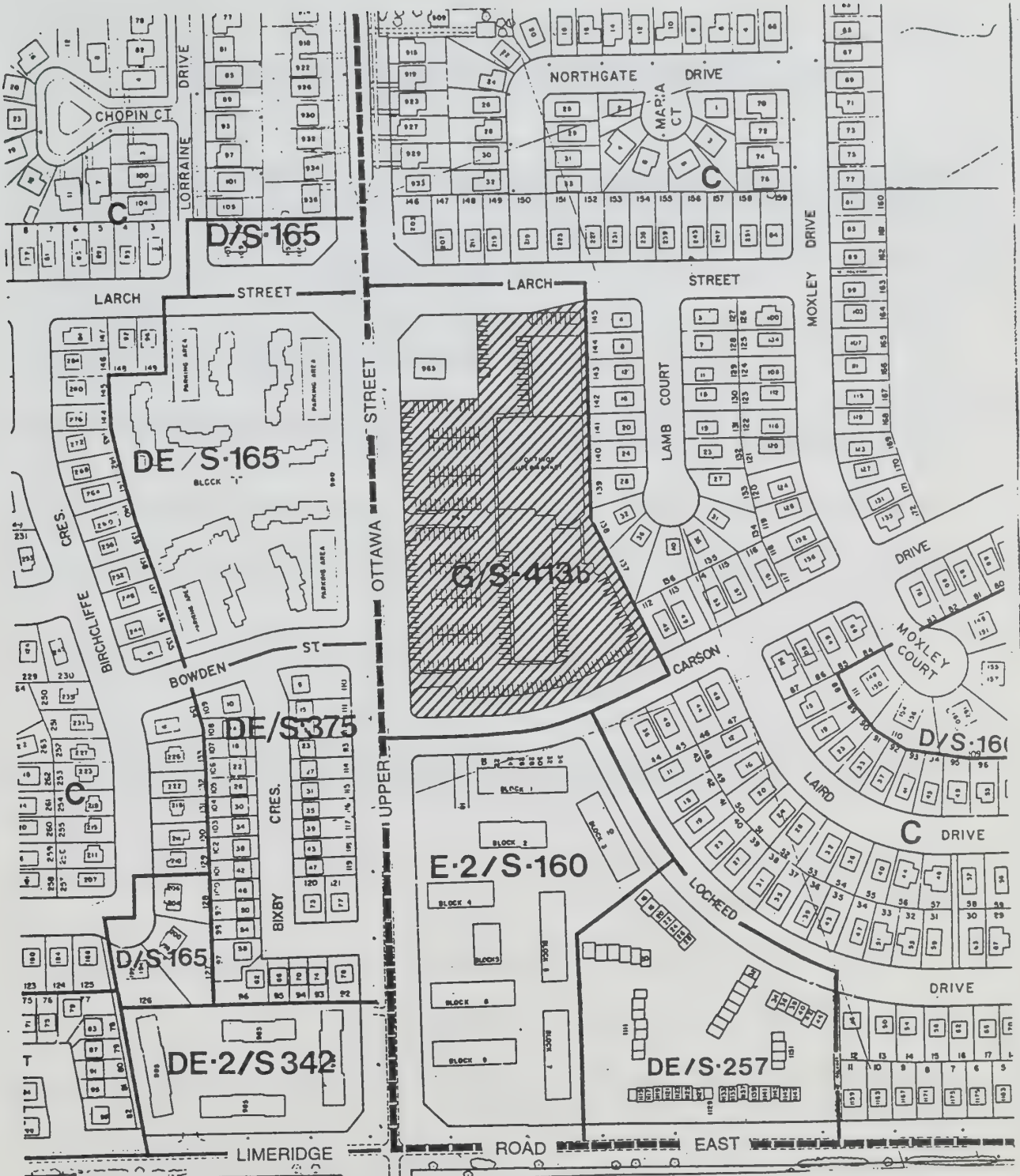
RESPECTFULLY SUBMITTED,

**ALDERMAN D. DRURY, CHAIRPERSON
PLANNING AND DEVELOPMENT COMMITTEE**

**Stella Glover
Secretary**

1995 March 22

1995 March 28



Legend



Site of the Application



APPENDIX A

BARTON STREET REVITALIZATION GRANTS

- Grants will be made available to all those who borrow from the Commercial Loan Programme to fund rehabilitation of a building within the Barton Street B.I.A.
- Both secured and unsecured loans may be held concurrently.
- Grant instalments will be advanced by the direct paying down of principal in a Commercial Loan Program borrowers' loan account by the Treasurer.
- All three year grant instalments will be segregated into a separate treasury account at the time of grant approval for eventual pay out.
- All grants and unsecured loans will be funded only from available provincial funds.
- Loans will be for a ten (10) year term at an interest rate of one half of prime at the time of loan finalization.

Secured Borrowers

- The grants will be made available to secured borrowers in three (3) instalments at the rate of:

15% of the loan amount at the time of construction completion as approved by a Building Inspector authorized by the City, and;

15% of the original loan amount on the anniversary date of the first advance, and;

20% on the anniversary date of the second advance.
- The maximum grant on a loan for a single business address is not to exceed \$20,000. and all instalments are to reflect the 15:15:20 ratio.
- The maximum grant for a multiple business address or to a single owner of more than one building within the B.I.A. (with more than one resultant business address) is not to exceed \$30,000. and the instalments are to reflect the 15:15:20 ratio.

MURAL PROJECT

- The City will provide up to \$20,000. yearly from available provincial funds to the Barton Street B.I.A. for mural projects within the B.I.A. Guidelines for the murals will be established by the City's Art Co-ordinator and final approval will rest with the B.I.A., the Arts Advisory Sub-Committee and the Task Force of the Barton Street Revitalization/Cultural Industry Strategy.
- Co-ordination will be the responsibility of the B.I.A.
- Costs for co-ordination, wages and materials are to be submitted for approval along with the art itself, and will be advanced monthly on a per cent of completion basis.

STREET FESTIVAL

- The City will provide up to \$40,000. yearly from available provincial funds to the Barton Street B.I.A. if it should decide to hold a street festival.
- Co-ordination of the festival will be solely the responsibility of the B.I.A. An appropriate portion of the funds will be made available in advance, final reimbursement of the B.I.A. will be made once a statement of account for the festival is presented.

STREET ENHANCEMENT

- Up to one third or \$330,000. of the available Provincial funding of \$1-million will be utilized for street enhancement projects.
- Street light fixtures, alley lighting, banners, and island plantings are expected to be installed.
- As has been the case in other B.I.A.'s, the Public Works Department will both co-ordinate and implement many of the individual work projects.
- Funds will be advanced to Public Works or the B.I.A. as is appropriate.
- Public Works is doing a separate design study of the Barton B.I.A. streetscape in the Summer of 1995, which will be used to integrate these projects with any done in the future.

ONTARIO MUNICIPAL BOARD

OMB FILE NO. R940341 and 0940219

IN THE MATTER OF Section 22(1) of the Planning Act (R.S.O. 1990, c.p. 13)

AND IN THE MATTER OF a referral to this Board by the Regional Municipality of Hamilton-Wentworth on a request by John Dorsay et al for consideration of an application for an amendment to the Official Plan for the City of Hamilton to redesignate lands located at No. 44 Greendale Drive, in the City of Hamilton to permit an administrative office for a child care agency in conjunction with an existing day nursery and to reduce the maximum number of children to be accommodated in the existing day nursery from 200 to 104.

OMB File No.: 0940219

-and-

IN THE MATTER OF Section 34(19) of the Planning Act (R.S.O. 1990, c.P. 13)

AND IN THE MATTER OF an appeal to this Board by John Dorsay et al for an order repealing Zoning By-law No. 94-134 of the City of Hamilton which zoning by-law would permit an administrative office for a child care agency in conjunction with an existing day nursery located at 44 Greendale Drive, in the City of Hamilton, and would also reduce the maximum number of children to be accommodated in the existing day nursery from 200 to 104.

OMB File No. R940341

MINUTES OF SETTLEMENT

WHEREAS Seven Towers Non-Profit Family Day Care Inc. ("Seven Towers") is the owner-operator of a day nursery at premises known as 44 Greendale Drive in the City of Hamilton; and Seven Towers has made applications for an Official Plan amendment and for an amending zoning by-law so that an administrative office could be constructed at the premises for use in conjunction with the existing day nursery;

AND WHEREAS John Dorsay and others have objected to such applications;

AND WHEREAS a settlement has been arrived at by all necessary parties, and these minutes are intended to record same;

NOW THEREFORE the undersigned mutually agree as follows:

1. Seven Towers shall amend its lease with the City of Hamilton to require that:
 - (a) the driveway upon the premises of Seven Towers shall be re-routed, through the parking area forming part of the premises, in order that no one is able to drive straight through from Garth Street to Greendale Drive in accordance with Appendix "A" attached; and,
 - (b) signs shall be posted to indicate that the driveway is private property.
2. Seven Towers agrees that the existing trees on the premises will be preserved and maintained and will not be removed as part of the construction of the administrative office facilities.
3. Each of the objectors listed herein shall submit to the Ontario Municipal Board, through Mr. Art Zuidema, acting as counsel for the City of Hamilton, a letter notifying the Board of the withdrawal of their objections.

DATED at Hamilton, Ontario, this 26th day of January, 1995.

**SEVEN TOWERS NON-PROFIT
FAMILY DAY CARE INC.**

Per:

Marni Flaherty, C.E.O.

John Dorsay

Jan Park Dorsay

Florence Mortensen

Robin Mortensen

**THE CORPORATION OF THE
CITY OF HAMILTON**

Per:

Mayor - Robert M. Morrow

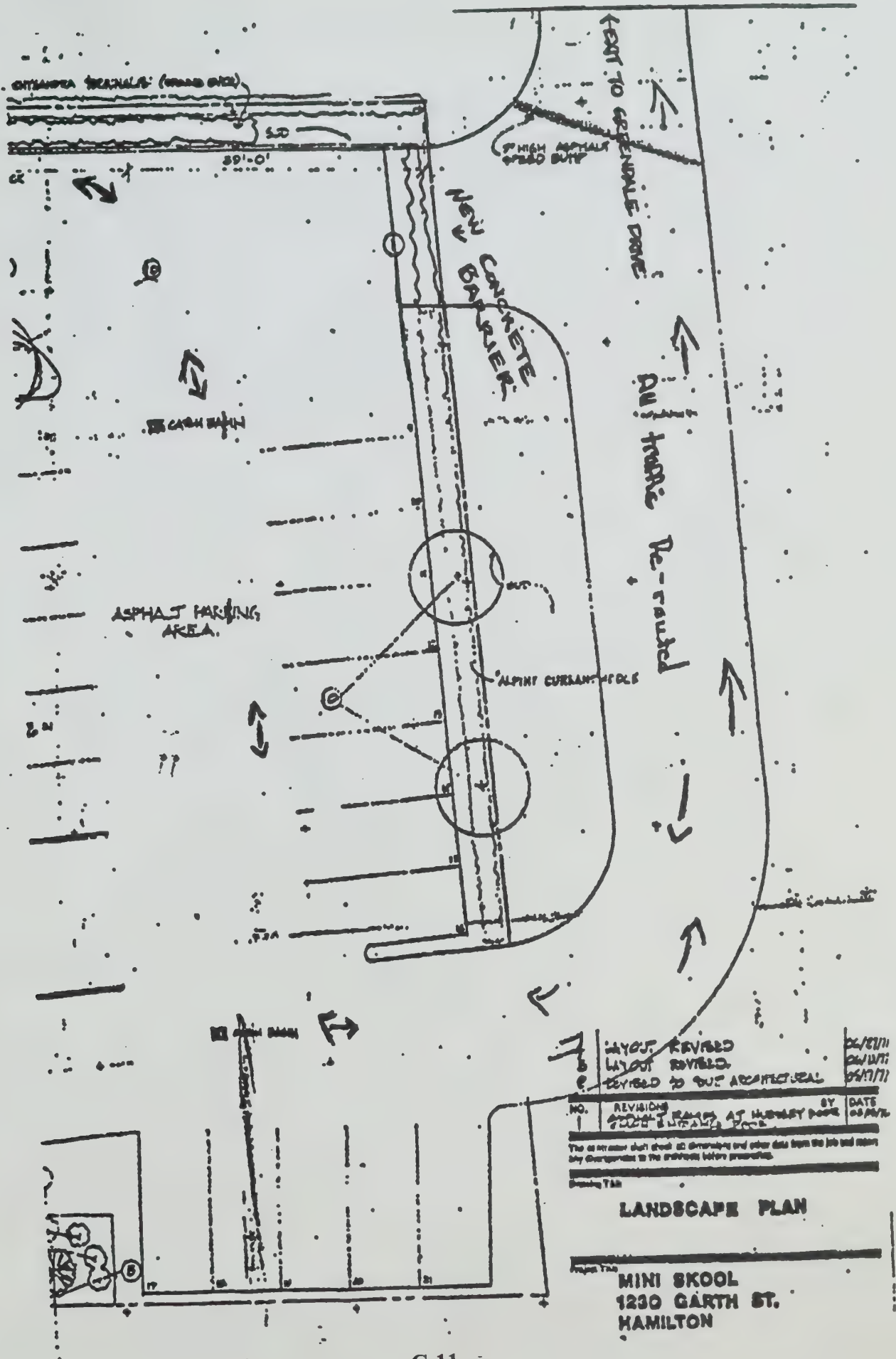
City Clerk - Joseph J. Schatz

William H. Edwards

Betty Edwards

Keith Sampson

Lisa Sampson





REPORT OF THE FINANCE AND ADMINISTRATION COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Finance and Administration Committee presents its **TENTH** Report for 1995 and respectfully recommends:

1. (a) That the City resolve Ontario Court (General Division) Action No. 6594/94 by the payment to the Plaintiff, Mary Anne Lapceovich, of the sum of \$3,291.18 inclusive of all claims for damages, interest and costs; and,
- (b) That the Plaintiff be required to issue a Full and Final Release in a form satisfactory to the City Solicitor; and,
- (c) That Ontario Court (General Division) Action No. 6594/94 be dismissed without costs.
2. (a) That the City Offer to Settle Ontario Court (General Division) Action No. 19876/90 on the following terms:
 - (i) That if this Offer to Settle is accepted within sixty (60) days of its date the Plaintiff will accept from the Defendants \$32,000. inclusive of all claims for damages, interest, costs and disbursements in full settlement of the claim; and,
 - (ii) That if this Offer to Settle is accepted after sixty (60) days from its date the Plaintiffs will receive from the Defendants:
 - (1) General damages in the amount of \$7,500.; and,
 - (2) Special damages in the amount of \$11,776.40; and,
 - (3) Pre-Judgment interest on the above amounts in accordance with the provisions of the Courts of Justice Act; and,
 - (4) Their Party/Party costs to the date of the Offer and their Solicitor/Client costs from the date of the Offer to the date of acceptance, such costs to be agreed between the parties or assessed; and,
 - (5) Their taxable disbursements of this action, such disbursements to be agreed between the parties or assessed; and,

- (iii) This Offer remains open for acceptance until the commencement of trial, or until withdrawn whichever first occurs; and,
 - (b) That the City decline the Defendants offer to settle this action for \$20,000. inclusive of all claims for damages, interest and costs.
3. (a) That the City of Hamilton resolve Ontario Court (General Division) Action No. 7677/94 by the payment to the Plaintiff, Ellen Reinke, of the sum of \$3,000. inclusive of all claims for damages, interest and costs; and,
- (b) That the Plaintiff be required to execute a Full and Final Release in a form satisfactory to the City Solicitor; and,
- (c) That Ontario Court (General Division) Action No. 7677/94 be dismissed without costs.
4. That approval be given to the actions taken by the City Clerk in authorizing the Women's Centre of Hamilton-Wentworth to use the City Hall forecourt and the property located on the far north/east side (closest to the Unified Family Court), for a brief demonstration in support of a local woman in her quest to protest a court order.
5. That the listing of Appointments To and Terminations from Permanent Positions with the Corporation of the City of Hamilton to 1995 March 10, attached herewith and marked Appendix "A", be approved.
6. That a purchase order be issued to Turf Care Products, Newmarket, in the amount of \$135,701., including all applicable taxes and trade-in, for the replacement of two (2) Units #0102, 9527 for Fleet Services, being the lowest acceptable of two tenders received in accordance with specifications issued by Purchasing and Vendor's Tender, and be financed through the Reserve for Mobile Equipment Account No. CH5X503 00101.
7. That an additional upset limit of \$20,000. for consulting services for the Development Charges Study be allocated from Account CH55406-24101 Fees-Consultants as provided for in the draft 1995 Current Budget.
8. (a) That the City of Hamilton annually participate in the Volunteer Centre of Hamilton and District's Indoor Golf Tournament; and,
- (b) That the City of Hamilton annually budget the fee, presently \$150. to enter a Corporate Team to participate in the event; and,
- (c) That the City of Hamilton recognize its employees who had perfect attendance records throughout the previous year by randomly selecting four people to form the Corporate Team and to represent the City of Hamilton at this event.

9. (a) That in keeping with a zero percent increase, that an amount of \$2,625.80 be approved for the Hamilton Corporate Challenge to be used towards the cost of entering and sponsoring two (2) teams of Civic employees taking part in the Hamilton Corporate Challenge being organized by the Hamilton and District Chamber of Commerce on Sunday, 1995 June 11 at Christie Conservation Area; and,

(b) That funding for this expenditure be financed from the Unclassified Account.
10. (a) That a purchase order be issued to Bestco Construction Corporation in the amount of \$104,776.54, inclusive of G.S.T. (\$6,854.54), for the rehabilitation of the building envelope at Sir Allan MacNab Recreation Centre being the lowest of seven tenders received in accordance with specifications (REF: C14-1-95) issued by the Manager of Purchasing; and,

(b) That the Mayor and City Clerk be authorized to execute a contract in a form satisfactory to the City Solicitor.
11. (a) That the City of Hamilton enter into a lease with the Hamilton Firefighters Drum Corps Inc. respecting the use of the City owned building at 775 Upper Wentworth Street; and,

(b) That the term be for a period of four (4) months commencing 1995 April 1 and expiring 1995 July 31, at a rental rate of \$200. per month due on the first (1st) day of each month and proceeds be credited to Account No. CH 44104 31106 (Rental Civic Property - Civic Properties Rented); and,

(c) That if the City receives any complaints about noise emanating from the Upper Wentworth Street Composite Building as a result of the occupancy by the Hamilton Firefighters Drum Corps Inc., termination of the tenancy shall be considered by the Finance and Administration Committee, followed if necessary with appropriate written notice and any rent received by the City in advance shall be pro-rated and returned to the tenant; and,

(d) That the Mayor and City Clerk be authorized and directed to execute the agreement in a form satisfactory to the City Solicitor.
12. That the City of Hamilton purchase a quarter page advertisement in the 1995 Fact and Information Book of the Hamilton-Wentworth Stroke Recovery Association at a cost of \$250. with funds to be provided from Account No. CH 56302 12000 (Advertising and Promotion Account - City Clerk).

1995 March 28

13. That leave be granted to introduce the following Bill:

D-23 A By-law to Confirm the Proceedings of the Council of The Corporation of the City of Hamilton.

Respectfully submitted,

**ALDERMAN B. CHARTERS, CHAIRMAN
FINANCE AND ADMINISTRATION COMMITTEE**

**Kevin C. Christenson
Acting Secretary
1995 March 21**

THE CORPORATION OF THE CITY OF HAMILTON

APPOINTMENTS TO PERMANENT POSITIONS

NAME	STATUS	CLASSIFICATION	DEPARTMENT	REASON HIRED	SALARY SCHEDULE	EFFECTIVE DATE
Ms. Carol Alkema	I	Assistant Collections Clerk (13)	Treasury	New Position Council Approved December 13, 1994	\$31,511.43 to \$35,808.24	Jan. 30/95
Mr. Keith Anderson	I	Senior Property Officer/ Appraiser (24)	Real Estate	Replacing Mr. W. Moffatt - promoted, Nov. 07/94	\$43,233.84 to \$49,130.64	Feb. 20/95
Mr. Mark Antolich	I	Signs & Markings Specialist (11-C)	Traffic	Replacing Mr. J. Hamilton - promoted, Dec. 31/94	\$28,956.20 to \$31,989.88	Feb. 06/95
Mr. Richard Bowman	I	Captain (C-3)	Fire	Replacing Mr. D. Johnstone - retired, Oct. 28/93	\$61,750.44	Feb. 05/95

Appendix "A" referred to in Section 5 of the TENTH Report of the Finance and Administration Committee for 1995.

Prepared March 10/95

Status
Internal - I
External - E

THE CORPORATION OF THE CITY OF HAMILTON

APPOINTMENTS TO PERMANENT POSITIONS

<u>NAME</u>	<u>STATUS</u>	<u>CLASSIFICATION</u>	<u>DEPARTMENT</u>	<u>REASON HIRED</u>	<u>SALARY SCHEDULE</u>	<u>EFFECTIVE DATE</u>
Mr. Glen Foster	I	Attendant II (4-A)	City Clerk's	Replacing Ms. K. Kudrawec - retired, March 31/94	\$25,372.88 to \$27,579.24	Feb. 17/95
Mr. Patrick McCafferty	I	Captain (C-8)	Fire	Replacing Mr. S. Morelli - retired, Oct. 30/93	\$61,750.44	Feb. 05/95
Ms. Lynda Piper	I	Cemetery Support Clerk I (14)	Cemetery	Restructuring Council Approved December 13, 1994	\$32,575.92 to \$37,020.36	Jan. 02/95

Prepared March 10/95

Status
Internal - I
External - E

1995 March 28

THE CORPORATION OF THE CITY OF HAMILTON

TERMINATIONS FROM PERMANENT POSITIONS

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>DEPARTMENT</u>	<u>REASON</u>	<u>LENGTH OF SERVICE</u>	<u>EFFECTIVE DATE</u>
Mr. Peter Dellerba	Lead Hand/Truck Driver	Public Works	Terminated	13 years, 9 months	Feb. 16/95
Mr. Robert Jantzi	Forester III	Public Works	Terminated	12 years, 9 months	Feb. 15/95
Mr. Donald Keba	Project Manager	Property	Terminated	11 years, 9 months	Feb. 07/95
Mr. Libero Malisa	Concrete Finisher	Public Works	Terminated	7 years, 8 months	Feb. 16/95
Mr. Domenic Vecchioni	Labour/Truck Driver	Public Works	Terminated	10 years, 7 months	Feb. 16/95

1995 March 28

Prepared March 10, 1995

Glossary of Terms

Terminated - long term disability
 - discharge
 - downsizing
 - redundant

Resigned - personal betterment
 - personal reasons

NOTICES OF MOTION

NOTICE OF MOTION - MAYOR R. MORROW
(February 14 meeting)

MOVED BY: MAYOR MORROW

SECONDED BY: ALDERMAN

"That the City of Hamilton seek entrance to the GTA".

NOTICE OF MOTION - MAYOR R. MORROW
(January 31 meeting)

MOVED BY: **MAYOR MORROW**

SECONDED BY: **ALDERMAN**

"Downtown Redevelopment."

NOTICE OF MOTION - ALDERMAN D. WILSON
(February 14 meeting)

MOVED BY: ALDERMAN

SECONDED BY: ALDERMAN

"That any member of City Council who seeks election to higher office be required to resign their seat once they are officially nominated as a candidate".

**MEETING OF THE COUNCIL
OF THE CORPORATION OF THE CITY OF HAMILTON**

**TUESDAY, 1995 MARCH 28
7:30 O'CLOCK P.M.
COUNCIL CHAMBER, CITY HALL**

B I L L S

The Corporation of the City of Hamilton

BY-LAW NO. 95-

To Establish:

Site Plan Control

Respecting:

LAND LOCATED AT MUNICIPAL NO. 71 RYMAL ROAD WEST

WHEREAS By-law No. 79-275, passed on the 25th day of September 1979, under Section 35a of the Planning Act, as re-enacted by the Planning Amendment Act, 1979, S.O. 1979, Chapter 59, Section 1, [now Section 41 of the Planning Act, R.S.O. 1990, c. P. 13], as amended by By-law No. 87-223, passed on the 28th day of July 1987, established site plan control in various parts of the City of Hamilton as of November 1, 1979;

AND WHEREAS it is desirable to amend By-law No. 79-275 to establish site plan control on the land hereinafter referred to.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Schedule "B" to By-law No. 79-275 is amended by adding the following thereto:

155. Land located at Municipal No. 71 Rymal Road West, shown on Appendix 155 hereto annexed and forming part of this by-law.
2. Appendix 155 to By-law No. 79-275 is hereto annexed as Schedule "A", and forms part of this by-law, and By-law No. 79-275, as amended.

PASSED this

day of

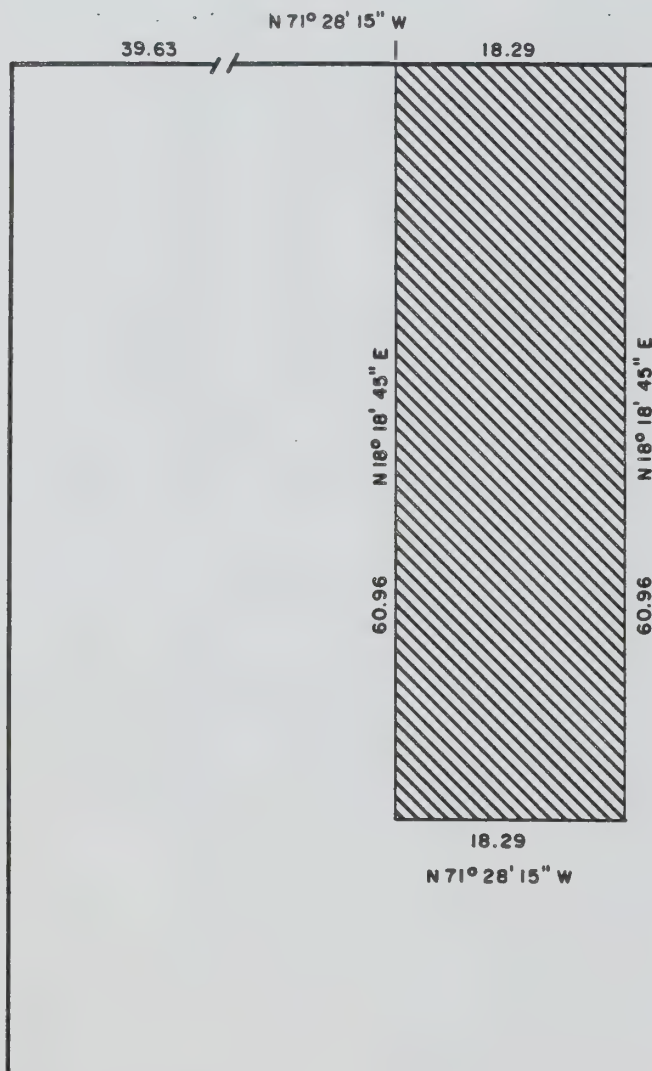
A.D. 1995

CITY CLERK

MAYOR

RYMAL ROAD WEST

CHRISTIE STREET



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 95-.....
Passed the day of, 1995.

.....
Clerk

.....
Mayor

City of Hamilton

Appendix 155

to By-Law No. 79-275

as Amended by By-Law No. 87-223

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



Lands designated under this By-Law
as an area of Site Plan Control pursuant
to section 41 of the Planning Act,
R.S.O., 1990.

North



Scale
Not to Scale

Date
JANUARY 1995

Reference File No.
ZAC-94-27

Drawn By
Z.K.

The Corporation of the City of Hamilton

BY-LAW NO. 95-

To Amend:

Zoning By-law No. 6593

Respecting:

LAND LOCATED AT MUNICIPAL NO. 71 RYMAL ROAD WEST

WHEREAS it is intended to establish special requirements under section 19B of By-law No. 6593, passed on the 25th day of July, 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December, 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The "C" (Urban Protected Residential, etc.) District provisions, as contained in Section 9 of Zoning By-law No. 6593, applicable to the lands, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A", are amended to the extent only of the special requirements that,

- (a) notwithstanding the provisions of Section 9(1) of Zoning By-law No. 6593, only the following uses shall be permitted:
 - (i) a photographer's studio;
 - (ii) one residential dwelling unit in the same building as the photographer's studio; and
 - (iii) a wall sign having a maximum area of 4m²;
- (b) a landscaped planting strip having a minimum width of 3.0 m, and a visual barrier of not less than 1.2 m in height and not greater than 2.0 m in height, shall be provided and maintained along the southerly property line;
- (c) a landscaped planting strip having a minimum width of 1.2 m, and a visual barrier of not less than 1.2 m in height and not greater than 2.0 m in height, shall be provided and maintained along the westerly property line where it adjoins a residential district, except that no visual barrier shall be situated closer than 3.0 m in distance from the front lot line;

- (d) notwithstanding the provisions of Section 18A (14a) and (14g) of Zoning By-law No. 6593, parking may be provided in the required front yard and not less than 15% of the gross area of the front yard shall be used for landscaped area;
- (e) notwithstanding the provisions of Section 18(4)(iv) of Zoning By-law 6593, the accessory shed is permitted within the required side yard but shall not be closer than 1.5m to the side lot line;
- (f) notwithstanding the provisions of Section 18A (26) of Zoning By-law 6593, the access driveway must be at least 1.5m from the west property line;
- (g) a landscape planting strip having a minimum width of 1.5m shall be provided and maintained along the street line (northerly property line), except for any area used for vehicular access.

2. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "C" District provisions, subject to the special requirements referred to in section 1.

3. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-1337.

4. Sheet No. W-9E of the District Maps is amended by marking the lands referred to in section 1 of this by-law, S-1337.

5. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED this

day of

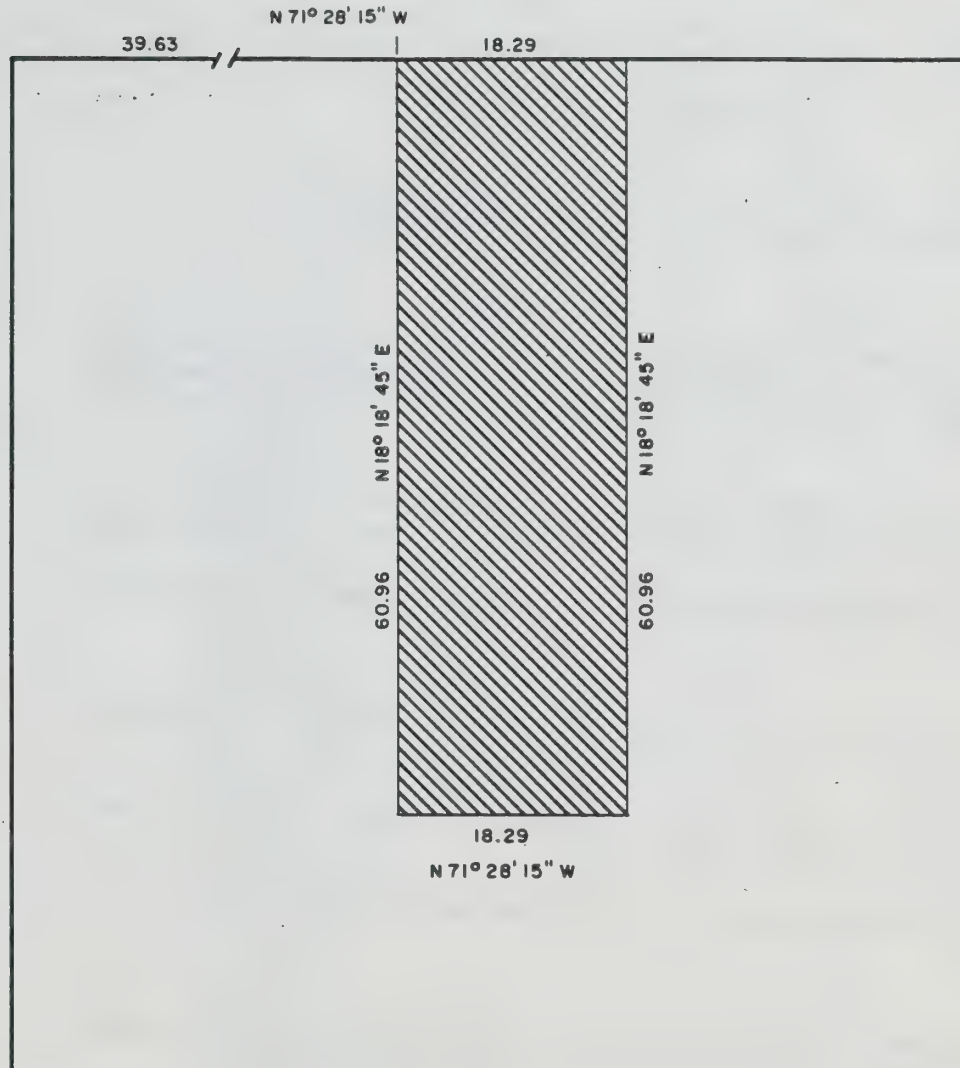
A.D. 1995

CITY CLERK

MAYOR

RYMAL ROAD WEST

CHRISTIE STREET



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 95-.....
Passed the day of, 1995.

.....
Clerk

.....
Mayor

City of Hamilton

Appendix 155
to By-Law No. 79-275
as Amended by By-Law No. 87-223

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



Lands designated under this By-Law
as an area of Site Plan Control pursuant
to section 41 of the Planning Act,
R.S.O., 1990.

North



Scale
Not to Scale

Date
JANUARY 1995

Reference File No.
ZAC-94-27

Drawn By
Z.K.

The Corporation of the City of Hamilton

BY-LAW NO. 95-

To Amend:

Zoning By-law No. 6593

Respecting:

LANDS LOCATED AT THE REAR OF 144 LIMERIDGE ROAD EAST

WHEREAS it is intended to change the zoning of the lands hereinafter referred to by amending By-law No. 6593, passed on the 25th day of July 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Sheet No. E-9B of the District Maps, appended to and forming part of By-law No. 6593, is amended,

(a) by changing from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District,

the land, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

2. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED this

day of

A.D. 1995.

CITY CLERK

MAYOR

(1994) 14 R.P.D.C. 2, August 30, 1994
Constantine, Anna, Mark & Victoria Skypas,
Andrew and Irene Dabrowski, Owners,
ZAC-94-16

LIMERIDGE ROAD EAST

N. E. CORNER OF
LOT 13 - CON. 7

N 70° 48' 10" W

33.772

N 70° 48' 05" W

267.988

156.256 N 18° 37' E

UPPER WELLINGTON STREET

N 17° 32' 50" E

212.496

N 18° 38' 40" E

208.078

29.784

N 73° 05' 10" W

NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 94-.....
Passed the day of, 1994.

Clerk

Mayor

City of Hamilton

Schedule A

Map Forming Part of
By-Law No. 94-.....
to Amend By-Law No. 6593

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



Lands to be regulated by
By-Law No. 94-.....

North



Scale
Not to Scale

Date
AUGUST 1994

Reference File No.
ZAC-94-16

Drawn By
Z.K.

The Corporation of the City of Hamilton

BY-LAW NO. 95-

To Amend:

Zoning By-law No. 6593

Respecting:

**LANDS LOCATED AT THE SOUTH-EAST CORNER OF
STONE CHURCH ROAD EAST AND DICENZO DRIVE**

WHEREAS it is intended to change the zoning of the lands hereinafter referred to and to establish a special requirement under section 19B of By-law No. 6593 passed on the 25th day of July 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Sheet No. E-9C of the District Maps, appended to and forming part of By-law No. 6593, is amended,

- (a) by changing from "B" (Suburban Agriculture and Residential, etc.) District to "B-2" (Suburban Residential) District, the land comprised in Block "1"; and
- (b) by changing from "B" (Suburban Agriculture and Residential, etc.) District to "B-2" (Suburban Residential) District, modified, the land comprised in Block "2"; and
- (c) by changing from "AA" (Agricultural) District to "B-2" (Suburban Residential) District, modified, the land comprised in Block "3";

the extent and boundaries of each of which Blocks 1, 2 and 3 are shown on a plan hereto annexed as Schedule "A".

2. The "B-2" (Suburban Residential) District provisions, as contained in Section 8B. of Zoning By-law No. 6593, applicable to the lands referred to in section 1 (b) and (c) are amended to the extent only of the special requirement that,

- (a) notwithstanding Section 8B.(4) of Zoning By-law No. 6593, every lot or tract of land shall have a width of at least 15.0 metres and an area of at least 430 square metres.

3. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "B-2" District provisions, subject to the special requirement referred to in section 2.

4. By-law No. 6593 is amended by adding this by-law to section 19B, as Schedule S-1339.

5. Sheet No. E-9C of the District Maps is amended by marking the lands referred to in section 1 (b) and (c) of this by-law, S-1339.

6. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED this

day of

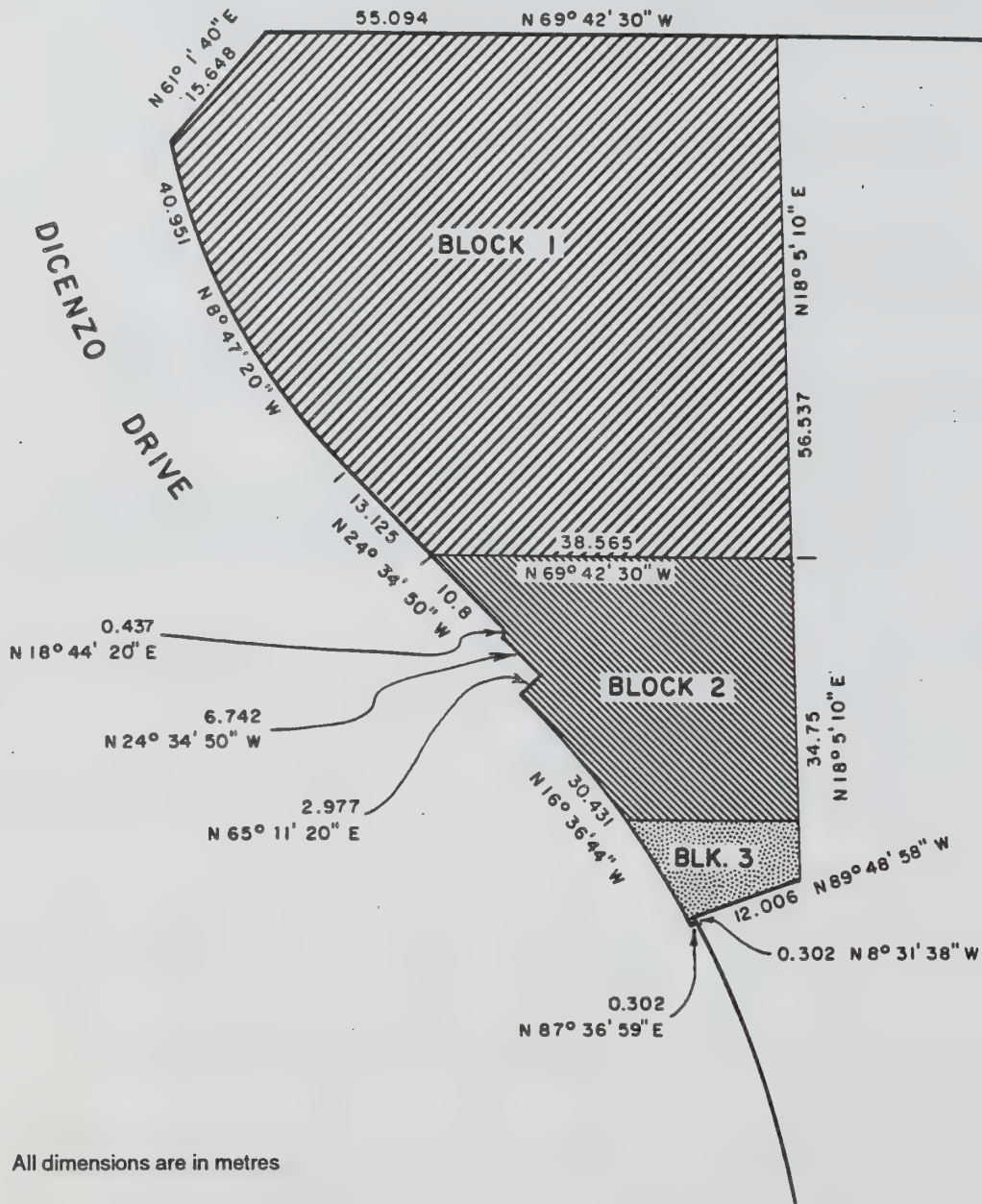
A.D. 1995

CITY CLERK

MAYOR

(1995) 6 R.P.D.C. 1, February 14
J. and C. Martin, and The City of Hamilton, Owners
ZAC-94-29

STONE CHURCH ROAD EAST



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 95-.....
Passed the day of, 1995.

.....
Clerk

.....
Mayor

City of Hamilton

Schedule A

Map Forming Part of
By-Law No. 95-.....
to Amend By-Law No. 6593

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

Change in zoning from:

- BLOCK 1** (diagonal lines) "B" (Suburban Agriculture and Residential, etc.) District to "B-2" (Suburban Residential) District.
- BLOCK 2** (cross-hatch) "B" (Suburban Agriculture and Residential, etc.) District to "B-2" (Suburban Residential) District, modified.
- BLOCK 3** (dots) "AA" (Agriculture) District to "B-2" (Suburban Residential) District, modified.

North



Scale
Not to Scale

Date
MARCH 1995

Reference File No.
ZAC-94-29

Drawn By
Z.K.

BY-LAW NO. 95 -

**TO CONFIRM PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF
THE CITY OF HAMILTON AT ITS MEETING HELD ON THE 28th DAY OF
MARCH A.D., 1995.**

WHEREAS by Section 9 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario, 1990, the powers of a municipal corporation are to be exercised by its Council;

AND WHEREAS by Sub-section 1 of Section 101 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario 1990, the powers of every Council are to be exercised by by-law.

AND WHEREAS it is deemed expedient that the proceedings of the Council of The Corporation of the City of Hamilton at this meeting be confirmed and adopted by by-law.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:-

1. The action of The Council of The Corporation of the City of Hamilton in respect to each recommendation contained in the Reports of the Committees and of the local Boards and Commissions and each motion and resolution passed and other action taken by the Council of The Corporation of the City of Hamilton at this meeting is hereby adopted and confirmed as if all such proceedings were expressly in this By-law.
2. The Mayor and the proper officials of The Corporation of the City of Hamilton are hereby authorized and directed to do all things necessary to give effect to the action of the Council of The Corporation of the City of Hamilton referred to in the preceding section hereof.
3. The Mayor, or in the absence of the Mayor, the Acting Mayor, and the City Clerk, or in the absence of the City Clerk, the Acting City Clerk are authorized and directed to execute all documents necessary in that behalf and to affix thereto the seal of The Corporation of the City of Hamilton.

PASSED this 28th day of March A.D. 1995

CITY CLERK

MAYOR

URBAN/MUNICIPAL
CAY ON HBL A05
A31
1995



The Urban/Municipal Collection
2nd Floor
Hamilton Public Library
+ Bill

**MEETING OF THE COUNCIL
OF THE CORPORATION OF THE CITY OF HAMILTON**

URBAN MUNICIPAL

**Tuesday, 1995 April 11
7:30 o'clock p.m.
Council Chambers, City Hall**

APR 10 1995

GOVERNMENT DOCUMENTS

**J. J. Schatz
City Clerk**

A G E N D A

- 1. National Anthem.**
- 2. Opening Prayer - Rev. James Styles (Retired - Anglican Church)**
- 3. Presentations - Certificates of Recognition**
 - (a) Mr. Craig Chadwick, President of Chadwick Electric Supply Company Limited
 - (b) Joanne Malar, McMaster University
- 4. Adoption of the minutes of the meeting held 1995 March 28.**
- 5. Correspondence\Petitions**
- 6. Reports of the Standing Committees:**
 - (a) Transport and Environment Committee
 - (c) Planning and Development Committee
 - (d) Finance and Administration Committee
- 7. Notices of Motion from previous meeting.**
 - (a) Mayor R. M. Morrow - GTA
 - (b) Alderman D. Wilson - Election to Higher Office
- 8. Notices of Motion for next meeting.**
- 9. First Reading of the Bills.**
- 10. Second Reading of the Bills - Committee of the Whole.**
- 11. Third Reading of the Bills.**
- 12. Question Period.**
- 13. Adjournment.**

MINUTES

Minutes of Hamilton City Council
Tuesday, 1995 March 28
7:30 o'clock p.m.
Council Chamber, City Hall

The Council met:

Present: Mayor Morrow.
Aldermen Kiss, Agro, McCulloch, Morelli, Copps, Wilson, Agostino, Eisenberger,
Jackson, Merling, Ross.

Absent: Alderman M. Caplan - Bereavement
Alderman D. Drury - Regional Business
Alderman B. Charters - City Business
Alderman T. Anderson - Other Business
Alderman F. D'Amico - City Business

Mayor Morrow called the meeting to order.

* * * * *

The National Anthem was played.

* * * * *

Father Eneric Fuzy, St. Cyril and Methodius Slovak Roman Catholic Church led Council in prayer.

<p>PRESENTATIONS</p>

Mayor R. M. Morrow presented former Alderman Terry Cooke with a civic ring.

* * * * *

Mr. Don Goodridge, Director and Murray Quinn, Superintendent of Lower Schools for the Board of Education for the City of Hamilton advised City Council of the development of a safe school policy for the Board of Education for the City of Hamilton.

Mr. Jerry Ponikvar, Director of Education and Phillip DiFrancesco, Superintendent of Education for the Hamilton Wentworth Roman Catholic Separate School Board advised City Council of the development of a safe school policy for the Hamilton Wentworth Roman Catholic Separate School Board.

* * * * *

Mayor R. M. Morrow presented An Award of Distinction to Gil Simmons and Diane Dent.

* * * * *

A Certificate of Recognition was presented to the following citizens who have served on City Committees/Boards/Commissions

- (a) Angelo DiIanni - HECFI
- (b) Ron Bowman - Hamilton Region Conservation Authority
- (c) Margaret MacGillivray - Public Library Board
- (d) Anna Sbrissa - Public Library Board

PROCLAMATIONS

Mayor R. M. Morrow proclaimed the following:

- (a) "Father Sean O'Sullivan Month" - March 1995
- (b) "Cancer Month" - April, 1995

DECLARATION OF OFFICE

Mr. Ross Fair subscribed to the Declaration of Office before Mayor R. M. Morrow.

ADOPTION OF MINUTES

The minutes of the meeting held 1995 March 14 were adopted as circulated.

CORRESPONDENCE

1. Letter dated 1995 March 14 from 1104729 Ontario Limited, Oakville Ontario for changes in zoning from "AA" (Agricultural) District to "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District for Block "1", "AA" (Agricultural) District to "H" (Community Shopping and Commercial, etc.) District, modified for Block "2", and "G-3 (Public Parking Lots) District, modified, to "H" (Community Shopping and Commercial, etc.) District, modified for Block "3" for lands located at the rear of No. 141 Queenston Road, Hamilton, Ontario.

Received.

* * * * *

It was moved by Alderman Kiss and seconded by Alderman Morelli that the Reports of the Parks and Recreation Committee, the Planning and Development Committee, and the Finance and Administration Committee, be considered in Committee of the Whole with Alderman Agostino in the chair.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Agro, McCulloch, Morelli, Copps, Wilson, Agostino, Eisenberger, Jackson, Merling, Ross. -12.

NAYS: -0.

CARRIED.

PARKS AND RECREATION COMMITTEE - EIGHTH REPORT

Section 1 Re: The Head-of-the-Lake Historical Society - Gore Park Fountain

It was moved by Alderman Jackson and seconded by Alderman Merling that Section 1 (d) of the Eighth Report of the Parks and Recreation Committee for 1995 be amended by deleting the words "subject to the approval of a permanent road closure of Hughson Street at this location" in the last line of the paragraph.

Recorded vote.

YEAS: Aldermen Kiss, Morelli, Agostino, Eisenberger, Jackson, Merling, Ross. -7.

NAYS: Mayor Morrow, Aldermen Agro, McCulloch, Copps, Wilson. -5. **CARRIED.**

Section 3 Re: Alcohol in Parks - Hamilton Regional Cancer Centre - Globe Park

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Agro, McCulloch, Morelli, Copps, Wilson, Agostino, Eisenberger, Merling, Ross. -11.

NAYS: Alderman Jackson. -1.

CARRIED.

* * * * *

Section 4 Re: Alcohol in Parks - various function - Mohawk Sports Complex, Globe Park, Gage Park, Turner Farm Park, Sackville Stadium, James MacDonald School Park

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Agro, McCulloch, Morelli, Copps, Wilson, Agostino, Eisenberger, Merling, Ross. -11.

NAYS: Alderman Jackson. -1.

CARRIED.

* * * * *

Section 6 Re: Alcohol in Parks - Portuguese Association of St. Michael the Archangel - Dundurn Park Pavilion

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Agro, McCulloch, Morelli, Copps, Wilson, Agostino, Eisenberger, Merling, Ross. -11.

NAYS: Alderman Jackson. -1.

CARRIED.

* * * * *

Section 13 (a) Re: Beach Strip Adventure Day Camp Registration fee increase

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Agro, McCulloch, Morelli, Copps, Wilson, Eisenberger Jackson, Merling, Ross. -11.

NAYS: Alderman Agostino. -1.

CARRIED.

Section 18 Re: Lease Agreement - Ontario Hydro

It was moved by Alderman Jackson and seconded by Alderman Merling that the Eighth Report of the Parks and Recreation Committee for 1995 be amended by deleting Section 18 and subsequently renumbering the remaining Sections of the report accordingly. **CARRIED.**

* * * * *

Section 20 Re: Scott-MacDonald Marine

It was moved by Alderman Agro and seconded by Alderman McCulloch that Section 20 of the Eighth Report of the Parks and Recreation Committee for 1995 be referred back for public input.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Agro, McCulloch, Copps, Agostino, Eisenberger.
-7.

NAYS: Aldermen Morelli, Jackson, Merling, Ross. -4.

CARRIED.

<p>PLANNING AND DEVELOPMENT COMMITTEE - TENTH REPORT</p>

Re: Demolition Permit

It was moved by Alderman Merling and seconded by Alderman Jackson that Rule No. 8 of the City's Procedural By-law No. 82-203 be invoked for this meeting of City Council in order to permit consideration of a recommendation respecting a Demolition Permit. **CARRIED.**

* * * * *

Section 10 Re: Demolition Permit - 55 Balfour Drive

It was moved by Alderman Merling and seconded by Alderman Jackson that the following be added as Section 10 of the TENTH Report for 1995 of the Planning and Development Committee:

10. That the Building Commissioner be authorized to issue a demolition permit for 55 Balfour Drive in accordance with By-law 74-290 pursuant to Section 33 of The Planning Act, as amended. Subject to authorization from the Niagara Escarpment Commission.

CARRIED.

FINANCE AND ADMINISTRATION COMMITTEE - TENTH REPORT

Section 11 (b) Lease - Hamilton Firefighters Drum Corps Inc. - 775 Upper Wentworth St.

It was moved by Alderman Ross and seconded by Alderman Jackson:

That Section 11 (b) of the **TENTH** Report for 1995 of the Finance and Administration Committee be amended by adding after the word "of" in the first line the words "a maximum of" and further amended by adding after the word "commencing" in the first line, the words "on or after".
CARRIED.

ACTING MAYOR FOR THE MONTH OF APRIL, 1995

It was moved by Alderman Kiss and seconded by Alderman Morelli that Alderman H. Merling be appointed Acting Mayor for the month of April, 1995.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Agro, McCulloch, Morelli, Copps, Wilson, Agostino, Eisenberger, Jackson, Merling, Ross. -12.

NAYS: -0.

CARRIED.

* * * * *

It was moved by Alderman Kiss and seconded by Alderman Morelli that the Report of the Committee of the Whole on the Reports of the Parks and Recreation Committee, the Planning and Development Committee, and the Finance and Administration Committee, be adopted.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Agro, McCulloch, Morelli, Copps, Wilson, Agostino, Eisenberger, Jackson, Merling, Ross. -12.

NAYS: -0.

CARRIED.

BILLS

It was moved by Alderman Kiss and seconded by Alderman Morelli that the following Bills be now read a first time:

C-24, C-25, C-26, C-27.
D-23.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Agro, McCulloch, Morelli, Copps, Wilson, Agostino, Eisenberger, Jackson, Merling, Ross. -12.

NAYS: -0.

CARRIED.

* * * * *

It was moved by Alderman Kiss and seconded by Alderman Morelli that Council move into Committee of the Whole to consider the following Bills, with Alderman Agostino in the chair. (second reading).

C-24, C-25, C-26, C-27.
D-23.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Agro, McCulloch, Morelli, Copps, Wilson, Agostino, Eisenberger, Jackson, Merling, Ross. -12.

NAYS: -0.

CARRIED.

* * * * *

Consideration of the Bills (second reading).

* * * * *

It was moved by Alderman Kiss and seconded by Alderman Morelli that the Report of the Committee of the Whole on the following Bills, be adopted:

C-24, C-25, C-26, C-27.
D-23.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Agro, McCulloch, Morelli, Copps, Wilson, Agostino, Eisenberger, Jackson, Merling, Ross. -12.

NAYS: -0.

CARRIED.

* * * * *

It was moved by Alderman Kiss and seconded by Alderman Morelli that the following Bills, be now read a third time, signed, sealed and enrolled as By-laws:

C-24, C-25, C-26, C-27.
D-23.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Agro, McCulloch, Morelli, Copps, Wilson, Agostino, Eisenberger, Jackson, Merling, Ross. -12.

NAYS: -0.

CARRIED.

* * * * *

City Council then adjourned at 9:05 o'clock p.m.

* * * * *

Taken as read and approved.

MAYOR R. M. MORROW

J. J. Schatz, City Clerk
1995 March 28

JJS/dg

CORRESPONDENCE

Correspondence:

1. Facsimilies dated 1995 April 6 from Christine H. Feaver, 96 Hyde Park Avenue, Hamilton, Ontario to Members of City Council and the Chairman and Trustees of the Board of Education for the City of Hamilton respecting charging rental fees to the Board of Education for its use of city swimming pools and cut backs to water sports programs.

Recommendation: Be Referred to the Parks and Recreation Committee.

2. Application dated 1995 March 29 from Ontario Realty Corporation, Toronto, Ontario for changes in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for Block "1", "R-4" (Small Lot Single-Family Dwellings) District for Block "2", and RT-20" (Townhouse - Maisonette) District for Block "3", for lands located in the area north of Stone Church Road East and east of Garth Street, Hamilton, Ontario.

Recommendation: Be Received.

3. Application dated 1995 April 3 from Wellington Chase Inc. (J. Parente), Hamilton, Ontario for a further modification to the established "G-1" (Designed Shopping Centre) District for Block "1" and for changes in zoning from "G-1" (Designed Shopping Centre) District to "C" (Urban Protected Residential, etc.) District for Block "2" and to "R-4" (Small Lot Single-Family Dwellings) District for Block "3", for lands located at the south-east corner of Upper Wellington and Stone Church Road East, Hamilton, Ontario.

Recommendation: Be Received.

4. Application dated 1995 April 3 from Wellington Chase Inc. (J. Parente) for a change in zoning from "G-1" (Designed Shopping Centre) District to "C" (Urban Protected Residential, etc.) District for lands located at the north-west corner of Emperor Drive and Upper Wentworth Street, Hamilton, Ontario.

Recommendation: Be Received.

1.

96 Hyde Park Avenue
Hamilton, Ontario L8P 4M7
April 6, 1995

The Mayor and Hamilton City Councilors
c/o Mr. Schatz, City Clerk
Fax number: 546-2095

Dear Councilors:

I am writing to request that council rethink its policy of charging a "market" rental fee to the Hamilton School Board for its use of city swimming pools. I understand the rental fee is \$96 an hour for the Board although much less for some other groups.

Last year as part of overall attempts to trim the budget, the Board cut back its swimming program in Hamilton by eliminating the competitive swim teams at the high school level and cutting pool time in half for the elementary competitive swim teams. This year the Board proposes to cut the swimming program entirely--no learn-to-swim classes, no competitive program and no waterpolo. The cuts are falling unfairly on water sports rather than field or gym sports because the Board must pay for pool time.

The fact that the pools were originally built in conjunction with schools shows that Hamilton has a history of rational sharing of resources for recreation and education. It would be short-sighted to abandon this practice now.

We read daily of studies that suggest Canadian children need much more physical activity not less. Often the sports program is what keeps a marginal high school student interested in school.

If the city lowered the fee, the Board might reconsider and keep at least some of its swimming program. If the fee stays where it is, the revenue generated for the city will be zero and our children will lose out.

Sincerely,

Christine H. Feaver

cc Hamilton Board of Education
Enclosure

OFFICE OF THE CITY CLERK

APR 6 1995

REC. BY DATE
REF'D. TO DATE
REF'D. TO DATE
REF'D. TO DATE

ACTION:

96 Hyde Park Avenue
Hamilton, Ontario L8P 4M7
April 6, 1995

The Chairman and Trustees of the Hamilton Board of Education
Fax number: 521-2539

Dear Mr. Stewart:

I am writing to say how sorry I was to see the report in the paper that the Board is planning to cut back again on its water sports program. As a volunteer coach of swim teams at Earl Kitchener and Ryerson for several years, I know how many children will be disappointed with this decision. I had over 75 children on Ryerson's team last year and that is just the children affected at one school.

This is the sixth year that I have had a daughter involved in high school waterpolo and I have happily watched this program grow over those years to involve more and more schools and more and more girls. I now have a keen grade niner just starting out and a first-year university student returning to help coach. In fact, her desire to play waterpolo was a major factor in my elder daughter's decision start university this year.

It seems ludicrous to me to have pools attached to schools and not to have this facility available for the school's physical education program. Can the Board not negotiate with the City to reduce the pool rental charge?

The water sports program is just one of the items being looked at for elimination. Rather than cutting out valuable programs completely, perhaps the Board should look harder at holding the line or even trimming teachers' salaries or lowering automatic grid increments or cutting the number of years in the grid. Look at sharing the cuts rather than entirely dismantling programs such as swimming which contribute so much to enrich Hamilton's educational experience.

Sincerely,

Christine H. Feaver

cc Hamilton City Council
Enclosure

REPORT OF THE TRANSPORT AND ENVIRONMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Transport and Environment Committee presents its **FIFTH** Report for 1995 and respectfully recommends:

1. That City Council enact the by-law to authorize the alteration of Hunter Street between James and John Streets by narrowing the roadway from the existing 19.05 m to a width varying from 7.5 m to 14.5 m.
2. (a) That the East/West Alley south side of 73 East 19th Street from East 19th Street to Upper Wentworth Street and the North/South Alley northerly to the north limit of 57 East 19th Street be stopped up and closed, subject to the following conditions:
 - (i) That the City Solicitor be authorized to make an application to a District Court Judge under Section 88 of the Registry Act, R.S.O. 1990, for an order to stop-up, close and sell the unassumed east/west alley south side of 73 East 19th from East 19th Street to Upper Wentworth Street and the North/South alley northerly to the north limit of 57 East 19th Street; and,
 - (ii) That the Commissioner of Transportation/Environmental Services be directed to sign an affidavit setting out that no public funds have been expended on the alleys to be closed; and,
 - (iii) That the documentation regarding the application to the District Court Judge be prepared by the applicant, to the satisfaction of the City Solicitor, and that the applicant be responsible for all fees payable in District Court; and,
 - (iv) That the Applicant register a reference plan under The Registry Act; said plan to be prepared by an Ontario Land Surveyor, to the satisfaction of the Regional Surveyor, and that it delineate the manner in which the closed portion is to be distributed to the abutting owners and that the applicant deposit a reproducible copy of said plan, with the Regional Surveyor; and,

- (v) That the Commissioner of Transportation/Environmental Services be authorized to make application to the Regional Municipality of Hamilton-Wentworth for approval for the proposed closing pursuant to Section 48 of the Regional Municipalities Act R.S.O. 1990; and,
 - (vi) That the Director of Property be authorized to proceed with the disposition of the subject lands to the abutting owners; and,
- (b) Provided the Judge's Order to close the highway is granted:
 - (i) That the Commissioner of Transportation/Environmental Services be directed to prepare a by-law for the sale of the closed alleyways to the abutting owners; and,
 - (ii) That the City Clerk be directed to publish a notice pursuant to Section 301 of The Municipal Act, R.S.O. 1990, of the City's intention to pass the By-law; and,
 - (iii) That an easement or other satisfactory arrangements be granted to Bell Canada for their existing plant within the closure area.
- 3.
 - (a) That a "Wheelchair Loading Zone, 7:00 a.m. to 6:00 p.m., Monday to Saturday" regulation be implemented on the south side of Lynbrook Drive commencing at a point 190 feet west of the west curb line of Rolston Drive and extending 25 feet westerly; and,
 - (b) That a "No Stopping, 7:00 a.m. to 6:00 p.m., Monday to Saturday" regulation be implemented on the south side of Lynbrook Drive commencing at a point 215 feet west of the west curb line of Rolston Drive and extending 206 feet westerly; and,
 - (c) That the City Traffic By-law 89-72 be amended accordingly.
- 4.
 - (a) That a "Permit Parking" regulation be implemented on the south side of Francis Street commencing at a point 165 feet west of Douglas Street and extending to a point 18 feet westerly therefrom; and,
 - (b) That a "Permit Parking" regulation be implemented on the north side of Francis Street commencing at a point 156 feet east of Emerald Street North and extending to a point 19 feet easterly therefrom; and,
 - (c) That the Director of Traffic Services be authorized to issue one parking permit to Mr. Mike Laufman, No. 30 Francis Street; and,

- (d) That the City Traffic By-law 89-72 be amended accordingly.
- 5. That the existing "One Hour Parking Time Limit, 8:00 a.m. to 6:00 p.m., Monday to Friday" regulation on the west side of West 3rd Street which commences at Richwill Road and extends to the southerly end of the street be shortened such that the regulation commences 116 feet south of Richwill Road and extends to the southerly end of the street and that the City Traffic By-law 89-72 be amended accordingly.
- 6. (a) That a "Permit Parking" regulation be implemented on the south side of Case Street commencing at a point 69 feet west of Ruth Street and extending to a point 24 feet westerly therefrom and on the north side of Case Street commencing at a point 170 feet west of Ruth Street and extending to a point 23 feet westerly therefrom and that the City Traffic By-law 89-72 be amended accordingly; and,

(b) That the Director of Traffic Services be authorized to issue one parking permit to Mrs. Dorothy Thomas, No. 28 Case Street.
- 7. That the Director of Traffic Services be authorized to issue upon request, one Time Limit Exemption Permit to each of the first three eligible applicants residing in the apartment building at No. 187 Park Street South.
- 8. That a "No Parking" regulation be implemented on the east side of Rutledge Court commencing at a point 128 feet north of Independence Drive and extending to a point 156 feet northerly therefrom and that the City Traffic By-law 89-72 be amended accordingly.
- 9. That the existing "School Bus Loading Zone, 7:00 a.m. to 6:00 p.m., Monday to Saturday" regulation on the south side of Brucedale Avenue East commencing at a point 77 feet west of East 5th Street and extending to a point 118 feet westerly therefrom be removed and that the City Traffic By-law 89-72 be amended accordingly.
- 10. That the existing 83 foot "No Stopping" regulation on the west side of Ray Street North, immediately north of Napier Street, be shortened such that the regulation commences at Napier Street and extends to a point 46 feet northerly therefrom and that the City Traffic By-law 89-72 be amended accordingly.
- 11. That a "No Stopping" regulation be implemented on the north side of Herkimer Street commencing at a point 206 feet east of Locke Street South and extending to a point 54 feet easterly therefrom and that the City Traffic By-law 89-72 be amended accordingly.
- 12. That a "No Parking" regulation be implemented on the east side of St. Steven Street between Marcella Crescent and Greenhill Avenue and that the City Traffic By-law 89-72 be amended accordingly.

13. That the existing "Permit Parking" regulation on the east side of Ray Street South commencing at a point 68 feet north of Main Street West and extending to George Street be replaced with a "Two Hour Parking Time Limit, 8:00 a.m. to 6:00 p.m., Monday to Saturday" regulation, and that the City Traffic By-law 89-72 be amended accordingly.
14. That a "Three Hour Parking Time Limit, 24 hours a day, seven days a week" regulation be implemented on the south side of Napier Street commencing at Queen Street North and extending to a point 149 feet east of Ray Street North and that the City Traffic By-law 89-72 be amended accordingly.
15. That the existing "Alternate Side Parking" regulation on James Street North between Strachan and Burlington Streets be replaced with a "No Parking, 1:00 p.m. to 4:00 p.m., second Tuesday of each month, April to November" regulation on the west side and a "No Parking, 1:00 p.m. to 4:00 p.m., second Thursday of each month, April to November" regulation on the east side and that the City Traffic By-law 89-72 be amended accordingly.
16.
 - (a) That a "No Parking, 1:00 p.m. to 4:00 p.m., second Tuesday of each month, April to November" regulation be implemented on the south side of Picton Street between James and Hughson Streets; and,
 - (b) That a "No Parking, 1:00 p.m. to 4:00 p.m., second Thursday of each month, April to November" regulation be implemented on the north side of Picton Street between James and Hughson Streets; and,
 - (c) That the City Traffic By-law 89-72 be amended accordingly.
17. That a "Two Hour Parking Time Limit, 8:00 a.m. to 6:00 p.m., Monday to Friday" regulation be implemented on the east side of Winston Place commencing at Royal Avenue and extending to a point 111 feet northerly therefrom and that the City Traffic By-law 89-72 be amended accordingly.
18. That a "One Hour Parking Time Limit, 8:00 a.m. to 6:00 p.m., Monday to Friday" regulation be implemented on the north side of Cannon Street West (north leg) between Hess Street North and Caroline Street North and that the City Traffic By-law 89-72 be amended accordingly.
19. That the existing "Three Hour Parking Time Limit, 8:00 a.m. to 6:00 p.m., Monday to Saturday" regulation on the north side of Beach Road between Norton Avenue and Gage Avenue North be removed, and that the City Traffic By-law 89-72 be amended accordingly.

20. That the existing "Permit Parking" regulation on the east side of Gibson Avenue which commences at a point 354 feet south of Barton Street East and extends to a point 19 feet southerly therefrom and on the west side of Gibson Avenue which commences at a point 360 feet south of Barton Street East and extends to a point 19 feet southerly therefrom be removed and that the City Traffic By-law 89-72 be amended accordingly.
21. That a "Wheelchair Loading Zone, 8:00 a.m. to 5:00 p.m., seven days a week" regulation be implemented on the north side of Royal Avenue commencing at a point 61 feet west of Leland Street and extending to a point 19 feet westerly therefrom and that the City Traffic By-law 89-72 be amended accordingly.
22. That westbound traffic on Brucedale Avenue West, Queensdale Avenue West and Genesee Street be required to stop for northbound and southbound traffic on West 2nd Street and that the City Traffic By-law 89-72 be amended accordingly.
23. That in accordance with the request by the Hamilton Street Railway Company, the following bus stops be removed:

Route #23 Upper Gage

- | | |
|-----------------------|--|
| Delete - Northbound - | Eva Street, east side, 21 feet south of Eaglewood Drive (N/S); and, |
| Delete - Northbound - | Eleanor Avenue, east side, 768 feet north of Eaglewood Drive (M/B); and, |
| Delete - Northbound - | Eleanor Avenue, east side, 123 feet north of the centre line of Dulgaren Street (F/S); and, |
| Delete - Northbound - | Eleanor Avenue, east side, 25 feet south of the centre line of Stone Church Road East (N/S). |

24. (a) That the following City lands be incorporated into the streets in order to complete the final street widths or to provide access to newly registered subdivision developments:

Artistic Boulevard	Part 8	Plan 62R-13077
Embassy Drive	Part 10	Plan 62R-13077
Dicenzo Drive	Part 7	Plan 62R-11790; and,

- (b) That the by-laws to carry out the incorporation of the said land into the foregoing streets be enacted by City Council; and,
- (c) That the Commissioner of Transportation/Environmental Services be authorized and directed to register the by-laws.

25. That the applications to retain inadvertent encroachments at the locations outlined on Appendix "A", appended hereto, be approved, provided:
- (a) That the owners enter into agreements satisfactory to the City Solicitor and Commissioner of Transportation/Environmental Services to indemnify and save the City harmless from all actions, causes of action, interests, claims, demands, costs, damages, expenses and loss; and,
 - (b) That the Mayor and City Clerk be authorized to execute the City's standard form of agreement; and,
 - (c) That the first year fees and subsequent annual fees outlined in Appendix "A" be set for the encroachments.
26. (a) That the application of Canadian Liquid Air Ltd. to erect and retain the encroachment of a 300mm oxygen pipeline under and across Wilcox Street , be approved, provided:
- (i) That the owner enter into an agreement satisfactory to the City Solicitor and Commissioner of Transportation/Environmental Services to indemnify and save the City harmless from all actions, causes of action, interests, claims, demands, costs, damages, expenses and loss; and,
 - (ii) That the Mayor and City Clerk be authorized to execute the City's standard form of agreement; and,
 - (iii) That the owner pay a first year fee of \$252. and the applicant provide \$10 million public liability insurance naming the City and Region as additional insureds with a provision for cross liability; and,
 - (iv) That Canadian Liquid Air Ltd. be a member of the Call-Bud locate agency; and,
- (b) That the application of W. Heck to maintain the encroachment of swinging doors over the road allowance and concrete planters on the road allowance of Westinghouse Avenue, be approved, provided:
- (i) That the owner enter into an agreement satisfactory to the City Solicitor and Commissioner of Transportation/Environmental Services to indemnify and save the City harmless from all actions, causes of action, interests, claims, demands, costs, damages, expenses and loss; and,

- (ii) That the Mayor and City Clerk be authorized to execute the City's standard form of agreement; and,
 - (iii) That the owner pay a first year fee of \$252. and an annual fee of \$20.
27. (a) That an Offer to Purchase, executed by 900074 Ontario Inc. (T.E. Yates, President), on 1995 March 16 and scheduled to close on or before 1995 October 31, for the lands being part of Lot 14, Concession 8, in the geographic Township of Barton, now in the City of Hamilton, more particularly described firstly as Part 1 on Plan 62R-12942, containing an area of 0.166 hectares (0.410 acres) more or less, and secondly as Part 4 on Plan 62R-12942, containing an area of 0.556 hectares (0.137 acres) more or less, municipally known as part of 1477 Upper James Street, Hamilton, be approved and completed as the requirements in the Municipal Act pursuant to the City's Real Property Procedural By-law No. 95-049 enacted on 1995 January 31 have been fulfilled by the City, and funds derived from the sale of \$315,000. be credited to Account No. CH4X501 00102 (Reserve for Property Purchases (Sales)); and,
- (b) That the required deposit cheque in the amount of \$31,500. be held by the City Treasurer pending City Council approval; and,
- (c) That the Purchaser acknowledges and agrees that Parts 1 and 4, Plan 62R-12942, shall not form part of any proposed land redevelopment until the earlier occurrence of the following:
- (i) all requirements of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth have been fully satisfied including but not limited to payment to the City and/or Region, as may be, for one half of the adjacent highway construction costs for the extensions to Regina Drive and DiCenzo Drive, including curbs, pavement, sidewalks, sewers and water. It is acknowledged and agreed that such costs shall not include one half of the future land costs above noted; or,
 - (ii) the registration on title of a Subdivision Agreement encompassing the said Part 4 in accordance with the City's subdivision requirements at that time; and,
- (d) That the completion of this Offer to Purchase is subject to the following conditions being met:

- (i) that the Purchaser, at their sole expense, apply for and obtain rezoning of Part 1, Plan 62R-12942, to allow for Neighbourhood Commercial and the rezoning of Part 4, Plan 62R-12942, to allow for residential use in accordance with the approved Neighbourhood Plan for Ryckman's. The required rezoning shall include the following:
 - 1. the passing of a by-law by the Municipality to rezone the subject property to allow the above described use; and,
 - 2. if there is an appeal, the final determination of the appeal upholding a by-law by the Municipality to rezone the subject lands to allow the above described use; and,
- (ii) if the required zoning as set out in (i) above has not been completed by the closing date set out in this Offer to Purchase, then this Offer to Purchase shall be null and void and the deposit shall be returned by the Vendor to the Purchaser without interest and the Vendor shall not be liable for any damages or costs; and,
- (iii) the Purchaser acknowledges that in approving this Offer to Purchase by the City, the City does not fetter the discretion of the City Council to decide whether to pass a by-law rezoning the subject lands pursuant to the application set out in (i) above. City Council is under a statutory duty under the Planning Act, 1983 to consider all the factors set out in that Act, in deciding whether to pass a by-law to rezone the subject lands; and,
- (e) That the Mayor and City Clerk be authorized and directed to execute the necessary documents; and,
- (f) That in accordance with Real Property Sales Procedural By-law No. 95-049:
 - (i) satisfactory Notice has been given to the public of the intended sale; and,
 - (ii) an appraisal of the fair market value of the real property intended to be sold was obtained on the 3rd day of April, 1995; and,
 - (iii) the City Clerk be authorized and directed to execute (and issue) a Certificate of Compliance in the form prescribed pursuant to Section 193 of the Municipal Act.

28. (a) That the proposed 1995 Road and Sidewalk Capital Improvement Programme in the amount of \$8,525,000. be approved; and,
 - (b) That the Commissioner of Transportation/Environmental Services be authorized to undertake these works, shown as Appendix "B" attached hereto, on behalf of the City of Hamilton once all the necessary approvals have been received.
29. (a) That the construction of an independent concrete sidewalk on the north side of Stone Church Road from Upper Gage Avenue to approximately 61 m west of Rambo Street (east limit of No. 749 Stone Church Road); from approximately 107 m west of Rambo Street to approximately 222 m west of Upper Sherman Avenue; from approximately 383 m west of Upper Sherman Avenue to approximately 26 m westerly (Hydro property) and on the south side of Stone Church Road from Upper Gage Avenue to approximately 83 m westerly (east limit of 41 Epic Place); from Leaway Avenue to Eleanor Avenue; and, from approximately 37 m west of Eleanor Avenue to approximately 30 m east of Ridgemount Drive proceed as a local improvement pursuant to Section 12 of the Local Improvement Act at an estimated gross cost of \$263,620. with a City's Share of \$41,528. and Owner's Share of \$222,092. all as provided in the 1995 portion of the 1995 - 2004 Capital Budget; and,
 - (b) That the Finance and Administration Committee be requested to recommend a source of funding for this Capital Project; and,
 - (c) That the Commissioner of Transportation/Environmental Services be authorized to construct these works on behalf of the City once all the necessary approvals have been received; and,
 - (d) That the City Clerk and City Treasurer be directed to give the necessary notice of City Council's intention to undertake these works.
30. (a) That the City's "Flat Rate Fee" to be applied to outstanding City of Hamilton municipal servicing costs along "0.30" metre Reserves, be adjusted from the present rate of \$ 290. per metre of frontage and/or flankage to \$ 300. per metre frontage and/or flankage for 1995; and,
 - (b) That the revised "Flat Rate Fee" be applied to all costs recovered in 1995 along 0.30 metre Reserves after the adoption of the proposed rate.
31. That four-way stop control be implemented at the intersection of Afton Avenue and Lorne Avenue and that the City Traffic By-law 89-72 be amended accordingly.
32. That three-way stop control be implemented at the intersection of Adler Avenue and Independence Drive and that the City Traffic By-law 89-72 be amended accordingly.

1995 April 11

33. That a purchase order be issued to Niagara Paint Inc., Hamilton, Ontario for the supply and delivery of traffic paint as and when required during 1995 by the Traffic Services Department in accordance with the specifications issued by the Manager of Purchasing Vendor's Tender and that the estimated expenditure of \$165,000. for 1995 be financed through the Pavement Marking Materials Account No. CH56153 75999, as follows:

Non-Coning Type Paint	20,000 l. White in 205 l. containers	\$1.75/l
Non-Coning Type Paint	55,000 l. Yellow in 205 l. containers	\$1.75/l
Coning Type Paint	20,000 l. White in 20 l. containers	\$1.84/l
Coning Type Paint	1,000 l. Yellow in 20 l. containers	\$1.84/l

34. That leave be granted to introduce the following Bills:

- (a) A-27 A By-law to Alter Hunter Street Between James and John Streets by Narrowing the Pavement
- (b) A-28 A By-law to Incorporate City Land Designated as Part 8, Plan 62R-13077 into Artistic Boulevard
- (c) A-29 A By-law to Incorporate City Land Designated as Part 10, Plan 62R-13077 into Embassy Drive
- (d) A-30 A By-law to Incorporate City Land Designated as Part 7, Plan 62R-11790 into Diczno Drive
- (e) A-31 A By-law to Amend By-law No. 89-72 to Regulate Traffic
- (f) A-32 A By-law to Amend By-law No. 89-72 to Regulate Traffic

Respectfully Submitted,

ALDERMAN H. MERLING, CHAIRMAN
TRANSPORT AND ENVIRONMENT COMMITTEE

Kevin C. Christenson
Secretary

1995 April 3

Appendix "A" as referred to in
Section 25 of the FIFTH
Report of the Transport and
Environment Committee for 1995

<u>Location</u>	<u>Owner</u>	<u>Type of Encroachment</u>	<u>First Year/Annual</u>	<u>File Number</u>
377 Ferguson Avenue North	S. Levely and S. Mitchell	Garage 5.715m x .2987m	138/20	T130 50 (1155)
242 Bristol Street	A. and A. Perez	Steps onto Bristol Street 1.524m x 1.912m	138/20	T103 50 (1156)
221 Queen Street North	Coung	Garage onto Greig Street 2.591m x .381m	138/20	T103 50 (1158)
136 Birge Street	J. & E. Castelhana	Front steps .061m x .762m	138/20	T103 50 (1157)
11 Wood Street West	J. Fabian	Garage 4.34m x 2.84m x 1.27m (other side) Porch 2.67m x .783m	138/20	T103 50 (1159)
255 Cannon Street East	Vuu/Nguyen	Steps encroach onto West Avenue .487m x .9144m	138/20	T103 50 (1148)
84 Ellis Avenue	G. McPhail	Steps encroach onto Ellis Avenue measuring 3.0m x 1.4m	138/20	T103 50 (1160)

CITY OF HAMILTON
1995 ROAD AND SIDEWALK IMPROVEMENT PROGRAMME

A. Roads and Abutting Sidewalks

Bendamere Avenue	Garth	Columbia	road resurface-sidewalk repairs-both sides in conjunction with Regional watermain works	\$416,100
Carwyn Crescent	Purvis	Yates	road reconstruction-sidewalk reconstruction & repair-both sides in conjunction with Regional watermain works	200,800
Charles Street	Bold	Hurst	road reconstruction-sidewalk reconstruction-both sides in conjunction with Regional sewer and watermain works	68,600
Columbia Drive	Bendamere	North End	road resurface-sidewalk reconstruction and repairs-both sides in conjunction with Regional watermain works	284,200
East 15th Street	Bruce-dale Fennell	Queensdale Howe	road reconstruction-sidewalk reconstruction-both sides in conjunction with Regional watermain works road reconstruction-sidewalk reconstruction & repair-both sides in conjunction with Regional watermain works	167,200 235,600
East 16th Street	Fennell	Howe	road reconstruction-sidewalk reconstruction & repair-both sides in conjunction with Regional watermain works	290,300
East 36th Street	Fennell Bruce-dale	Mohawk Fennell	road reconstruction-sidewalk reconstruction-both sides in conjunction with Regional watermain works road resurface-sidewalk reconstruction & repair-both sides	749,100 96,100
	Queensdale Queensdale	Bruce-dale Munn	road reconstruction-sidewalk reconstruction-both sides road reconstruction-sidewalk reconstruction-both sides in conjunction with Regional sewer works	214,300 94,500
	Munn	Crockett	regrade and surface treat road-sidewalk reconstruction and repair-both sides in conjunction with Regional sewer and watermain works	109,500

Appendix "B" as referred to in
Section 28 of the FIFTH
Report of the Transport and
Environment Committee for 1995

<u>STREET</u>	<u>FROM</u>	<u>TO</u>	<u>COMMENTS</u>	<u>ESTIMATE</u>
East 44th Street		Queensdale	road reconstruction-sidewalk reconstruction & repair - both sides in conjunction with Regional watermain works	\$468,800
Pay Avenue		Organ	road reconstruction-sidewalk reconstruction & repair-both sides in conjunction with Regional sewer and watermain works	120,300
King Street (South leg)		John	road reconstruction-paving stones-sidewalk repair-south side in conjunction with Regional sewer and watermain works	264,000
King William Street		Catharine	road resurface-sidewalk repairs-both sides in conjunction with Regional watermain works	781,300
		Mary	road reconstruction-sidewalk reconstruction & repair-both sides in conjunction with Regional sewer and watermain works	
Leslie Avenue		Upper Paradise	road resurface-sidewalk repairs-both sides in conjunction with Regional watermain works	301,200
MacNab Street South		Bold	road reconstruction-sidewalk reconstruction-both sides	78,400
Munn Street		East 36th	road reconstruction-sidewalk reconstruction-both sides in conjunction with Regional sewer works	585,200
Queensdale Avenue		Upper Gage	road reconstruction - sidewalk repair & reconstruction - both sides in conjunction with Regional sewer works.	334,800
Roxborough Avenue		Strathearn	road resurface-sidewalk repairs-both sides in conjunction with Regional sewer works	221,500

<u>STREET</u>	<u>FROM</u>	<u>TO</u>	<u>COMMENTS</u>	<u>ESTIMATE</u>
Tolton Avenue	Barton Melvin Britannia Roxborough Dunsmuir	Melvin Britannia Roxborough Dunsmuir	road overlay-sidewalk repairs-both sides road reconstruction-sidewalk reconstruction-both sides road reconstruction only-no sidewalk work road resurface-sidewalk repairs-both sides in conjunction with Regional sewer works	\$123,200 131,700 110,600 64,600
Yates Drive	Purvis	South End	road reconstruction-sidewalk reconstruction-both sides	167,800
TOTAL SECTION "A"				\$6,679,700

B. Sidewalks on Regional Roads

<u>STREET</u>	<u>FROM</u>	<u>TO</u>	<u>COMMENTS</u>	<u>ESTIMATE</u>
Barton Street	Strathearne	Parkdale	both sides-reconstruction and repair	\$173,300
Burlington Street East	Sherman	Wilcox	both sides-repair	30,700
Gage Avenue North	Burlington	Beach	both sides-reconstruction and repair	111,400
King Street East	James	Mary	both sides-paving stone repair	27,300
Ottawa Street North	Main	Beach	both sides-repair	23,800
Parkdale Avenue South	Main King	Queenston Queenston	both sides-reconstruction and repair west side - reconstruction	49,500 96,200
Parkdale Avenue North	Main	Barton	both sides-reconstruction and repair	301,200
Upper Wellington St	Mohawk	Jay	both sides-reconstruction and repair	121,800
TOTAL SECTION "B" \$935,200				

C. Sidewalks Only

<u>STREET</u>	<u>FROM</u>	<u>TO</u>	<u>COMMENTS</u>	<u>ESTIMATE</u>
Caprice Court	Montcalm	West end	reconstruction and repair-both sides	\$ 29,900
East 41st Street	Sunninghill	Bruceedale	reconstruction and repair-both sides	216,900
Merle Court	Rendell	East end	reconstruction and repair-both sides	<u>48,300</u>
TOTAL SECTION "C"				\$295,100

D. Miscellaneous Projects

<u>DESCRIPTION</u>	<u>ESTIMATE</u>
Tree planting in conjunction with roadworks	\$ 86,000
Catchbasin and Drain Connections	50,000
-various locations in conjunction with Regional Local Improvement sewer Projects	441,000
Streetlighting-various locations-modifications and upgrades generally in conjunction with road works	<u>38,000</u>
Pavement Management System - Annual Update	TOTAL SECTION "D" \$615,000

GRAND TOTAL \$8,525,000**E. Supplementary List**

Streets may be done in the order listed if residual funds are available.

<u>STREETS</u>	<u>FROM</u>	<u>TO</u>	<u>COMMENTS</u>	<u>ESTIMATE</u>
Lower Horning Road	Purvis	Carwyn	road reconstruction-sidewalk reconstruction & repair-both sides in conjunction with Regional watermain works	\$227,600
McElroy Road	Upper James	Dodson	road reconstruction-sidewalk reconstruction-both sides in conjunction with Regional watermain works	503,500
East 14th Street	Fennell	Bruceedale	road reconstruction-sidewalk reconstruction-both sides	143,700
Endfield Avenue	Brentwood	Kingslea	road reconstruction-sidewalk reconstruction and repair-both sides in conjunction with Regional sewer works	210,300

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Hurst Place	MacNab	Park	road reconstruction-sidewalk reconstruction and repair-south side	119,400
Balmoral Avenue South	King	Justine road	reconstruction-sidewalk repairs-both sides in conjunction with Regional watermain works	393,000
East 18th Street	Concession	Fennell	road reconstruction-sidewalk reconstruction-both sides in conjunction with Regional sewer works	856,800
Organ Crescent	Fennell	Upper Kenilworth	road reconstruction-sidewalk reconstruction and repair-both sides in conjunction with Regional watermain works	451,200
TOTAL SECTION "E" \$2,905,500				

95 03 10

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Planning and Development Committee presents its **ELEVENTH** Report for 1995 and respectfully recommends:

1. That approval be given to Amended Zoning Application 94-04, Investors Group, mortgagee in possession, requesting a change in zoning from "H" (Community Shopping and Commercial, etc.) District to "CR-2" (Commercial - Residential) District, modified, for Block "1", and for a modification to the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations, for Block "2", to permit a seven storey mixed commercial and residential building, containing retail space on the ground floor and 50 senior citizen dwelling units on the second to seventh floors, for lands located at No. 370 Main Street East as shown on the attached map marked as Appendix "A", on the following basis:
 - (a) That Block "1" be rezoned from "H" (Community Shopping and Commercial, etc.) District to "CR-2" (Commercial - Residential) District; and,
 - (b) That the "CR-2" (Commercial - Residential) District regulations as contained in Section 15B of Zoning By-law No. 6593, applicable to Block "1", be modified to include the following variances as special requirements:
 - (i) For the purpose of this By-law, a Senior Citizens' Dwelling Unit shall mean a separate set of living quarters, operated by a non-profit housing corporation which receives assistance under the National Housing Act or other non-profit housing programs, the purpose of which is to provide housing subsidies for qualifying senior citizens, and which shall include at least one room and separate kitchen and sanitary conveniences with a private entrance outside or from a common hallway or stairway inside; and,
 - (ii) Notwithstanding Sections 15B(14) and 15B(16), a mixed commercial and residential development shall be permitted with a total maximum gross floor area of 4,114 m² and shall include a Senior Citizens' Multiple Dwelling with a maximum of 50 Senior Citizens' Dwelling Units and a maximum residential gross floor area of 3,983 m², subject to the following special provisions:
 1. Notwithstanding Section 15B(8)(b) no building or structure shall exceed 7 storeys or 22.4 m in height; and,

2. Notwithstanding Section 15B(9) the following minimum yards shall be provided and maintained for any residential use:
 1. front yard (north lot line along Main Street) 5.0 m
 2. side yard (west lot line) 0.0 m
 3. side yard (east lot line along Emerald Street) 0.0 m
 4. rear yard (south lot line); 4.5 m;
and,
 3. Notwithstanding Section 15B(11)(b) a west side yard of 0.0 m may be provided and maintained for any commercial use; and,
 4. Notwithstanding Section 15B(19) a minimum amenity area of 721 m² shall be provided and maintained; and,
 5. Notwithstanding Section 15B(21) and 15B(22) a minimum landscaped area of 111.5 m² shall be provided and maintained and may be located above grade, subject to Section 15B(27); and,
 6. Notwithstanding Section 18.(3)(vi), a balcony may project 1.6 m into the required front and rear yards; and,
 7. Notwithstanding Section 18A, a minimum of one 3.7 m x 9.0 m x 4.3 m loading space shall be provided and maintained; and,
 8. Notwithstanding Section 18A, parking shall be provided and maintained for a Senior Citizens' Multiple Dwelling on the basis of 0.3 spaces per Senior Citizens' Dwelling Unit, except that not less than 33 parking spaces shall be provided and maintained; and,
 9. Notwithstanding Section 18A, a maximum of four of the required parking spaces may be located on Block "2"; and,
- (c) That the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations as contained in Section 11 of Zoning By-law No. 6593, applicable to Block "2", be modified to include the following variances as special requirements:
- (i) Notwithstanding Section 11(1), parking accessory to a mixed residential and commercial development on Block "1" shall be permitted, subject to the following special provisions:
 1. Notwithstanding Section 18(A) manoeuvring space may be provided off-site; and,

2. A visual barrier not less than 1.2 m and not more than 2.0 m in height shall be provided and maintained along the southerly lot line, except for a distance of 5.0 m from the Emerald Street road allowance; and,
 3. A minimum 2.7 m wide landscaped planting strip shall be provided and maintained along the southerly lot line.
- (d) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1340, and that the subject lands on Zoning District Maps E-13 and E-14 be notated S-1340; and,
 - (e) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-13 and E-14, for presentation to City Council; and,
 - (f) That this proposed change and modification in zoning is in conformity with the Official Plan for the Hamilton Planning Area; and,
 - (g) That Blocks "1" and "2" be redesignated on the Approved Stinson Neighbourhood Plan from "Commercial" to "Commercial and Apartments".
2. (a) That approval be given to Zoning Application 95-02, Imperial Oil Limited, owner, requesting a modification to the established "H" (Community Shopping and Commercial, etc.) District regulations for Block "1", and for a change in zoning from "C" (Urban Protected Residential, etc.) District to "H" (Community Shopping and Commercial, etc.) District modified, for Block "2", to permit the development of a gas bar and car wash with drive thru restaurant and convenience store, for property located at 1445 Main Street West, as shown on the attached map marked as Appendix "B", on the following basis:
 - (i) That Block "2" be rezoned from "C" (Urban Protected Residential, etc.) District to "H" (Community Shopping and Commercial, etc.) District; and,
 - (ii) That the "H" (Community Shopping and Commercial, etc.) District regulations as contained in Section 14 of Zoning By-law No. 6593, applicable to Blocks "1" and "2", be modified to include the following variances as special requirements:
 1. Notwithstanding Section 14.(1)(xvii) of Zoning By-law No. 6593, a mechanical car wash consisting of one bay, as an accessory use to a gas bar shall be permitted; and,

2. Notwithstanding Section 18.(3)(ivc)(a) of Zoning By-law No. 6593, a 4.0 m minimum northerly side yard shall be provided and maintained for every building or structure; and,
 3. Notwithstanding Section 14.(1)(xvi) of Zoning By-law No. 6593, only one (1) business identification sign that is ground sign and having a vertical dimension of not more than 6.0 metres, an aggregate area of vertical projection of not more than 1.0 square metre per 0.5 metres of street frontage of the lot, and located not less than 3.0 m from the Main Street West streetline shall be permitted; and,
 4. Notwithstanding clause 2.(2) J.(xb) of Zoning By-law No. 6593, one (1) directional sign at each point of ingress and egress, and each said sign of a size not exceeding 1.2 square metres (12.92 square feet) shall be permitted; and,
 5. No sign shall be illuminated unless the source of light is steady and suitably shielded to contain the illumination; and,
 6. A landscape area not less than 6.0 m in width shall be provided and maintained along the westerly lot line where the lot adjoins a residential district and no parking or other use shall be permitted within the landscape area, except for the one bay mechanical car wash; and,
 7. A landscape area not less than 3.0 m in width shall be provided and maintained along the northerly and easterly lot lines, except for any area used for driveways access; and,
 8. A visual/acoustical barrier not less than 1.8 m in height and not more than 2.0 m in height shall be provided and maintained along the westerly lot line, where the lot adjoins a residential district; and,
- (iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1341, and that the subject lands on Zoning District Map W-46 be notated S-1341; and,
- (iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593, and Zoning District Map W-46 for presentation to City Council; and,

1995 April 11

- (v) That the proposed change and modification in zoning are in conformity with the Official Plan for the Hamilton Planning Area; and,
 - (b) That Site Plan Control By-law No. 79-275 as amended by By-law No. 87-223 be amended by adding the subject lands to Appendix "B", and that final Site Plan Approval be withheld until:
 - (i) a noise study with attenuation measures has been completed to the satisfaction of Ministry of the Environment; and,
 - (ii) a traffic analysis respecting left turns from Main Street West has been completed to the satisfaction of the Traffic Department.
3. (a) That approval be given to application 25CDM-94006, Homes by DeSantis Inc., owner, to establish a draft plan of condominium located at 819 Upper Paradise Road, subject to the following conditions:
- (i) That this approval apply to the plan prepared by J. D. Barnes Limited and certified by S. J. Balaban, an Ontario Land Surveyor on September 19, 1994, showing 16 residential townhouse units; and,
 - (ii) That the Final Plan of Condominium be in strict conformity with the Site Plan approved on October 24, 1994 and finalized on January 9, 1995 under application DA-94-23 prior to registration; and,
- (b) That the City Clerk be directed to advise the Regional Commissioner of Planning and Development of Council's decision.
4. (a) That the request of Mr. David A. Elliot, Solicitor for 200 Rymal Road Inc. (J. Chun, President) owner, to establish maintenance easements by removing part-lot control from Lots 1 to 10 inclusive and Lots 20 to 32 inclusive, "Allison Estates, Phase 1" plan of subdivision, 62M-778, be approved; and,
- (b) That the by-law to remove part-lot control from Lots 1 to 10 inclusive and Lots 20 to 32 inclusive "Allison Estates, Phase 1" plan of subdivision, be enacted by Council; and,
- (c) That following enactment of this by-law, that the Regional Municipality of Hamilton-Wentworth (as delegate of the Minister of Municipal Affairs) be requested to grant approval to the by-law and endorse the same on the by-law; and,

1995 April 11

- (d) That following completion of the conveyances being permitted by the said by-law to remove part-lot control, a by-law be enacted to repeal the said by-law.
- 5. That the Building Commissioner be authorized to issue a demolition permit for 150 Stapleton Avenue in accordance with By-law 74-290 pursuant to Section 33 of The Planning Act, as amended.
- 6. (a) That Section 3 of the Sixteenth Report of the Planning and Development Committee Report for 1992, approved by Council on 1992 September 29, regarding approval of the cash figure in lieu of 5% parkland dedication for "The Gardens of Rymal - Phase 4" be deleted; and,

(b) That the City of Hamilton accept the sum of \$ 38,750.00 as cash payment in lieu of the 5% land dedication in connection with "The Gardens of Rymal - Phase 4", Hamilton, this being the cash payment required under Section 51 of the Planning Act.
- 7. (a) That the City of Hamilton settle the Ontario Municipal Board Hearing concerning 986-998 Upper Wentworth Street by,

(i) offering to rezone the property such that 75% of the existing floor area of the shopping plaza be permitted to be used for restaurant uses; and,

(ii) paying \$8,000. towards the Owner's costs of the appeal to date; and,

(b) That the City Treasurer be requested to recommend the appropriate method of financing the settlement indicated in (b) above.
- 9. That leave be granted to introduce the following Bills:
 - (a) C-28 A By-law to Amend Zoning By-law No. 6593 Respecting Lands Located at No. 680 Van Wagner's Beach Road.
 - (b) C-29 A By-law to Amend Zoning By-law No. 6593 Respecting Lands Located on the West Side of Locke Street South, Between King Street West and Main Street West (Municipal Nos. 18 to 64 Locke Street South).

1995 April 11

- (c) C-30 A By-law to Remove Land Within the Allison Estates, Phase 1 Sub-Division, Plan 62M-778 from Part-Lot Control.

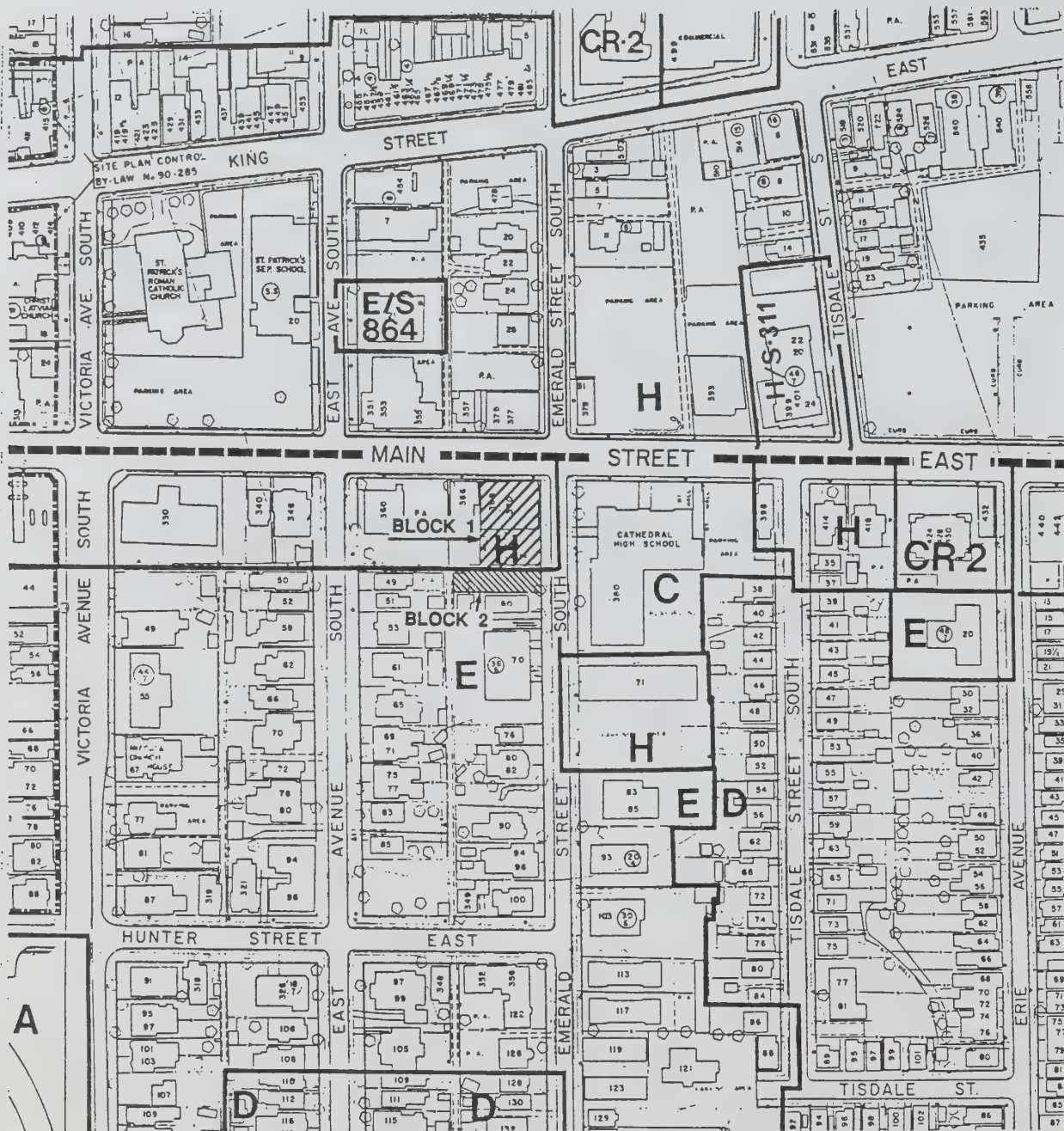
RESPECTFULLY SUBMITTED,

ALDERMAN D. DRURY, CHAIRPERSON
PLANNING AND DEVELOPMENT COMMITTEE

Stella Glover
Secretary

1995 April 5

1995 April 11



Legend

Proposed Changes in Zoning From:

BLOCK 1



"H" (Community Shopping and Commercial, etc.) District to
"CR-2" (Commercial - Residential) District, modified.

BLOCK 2



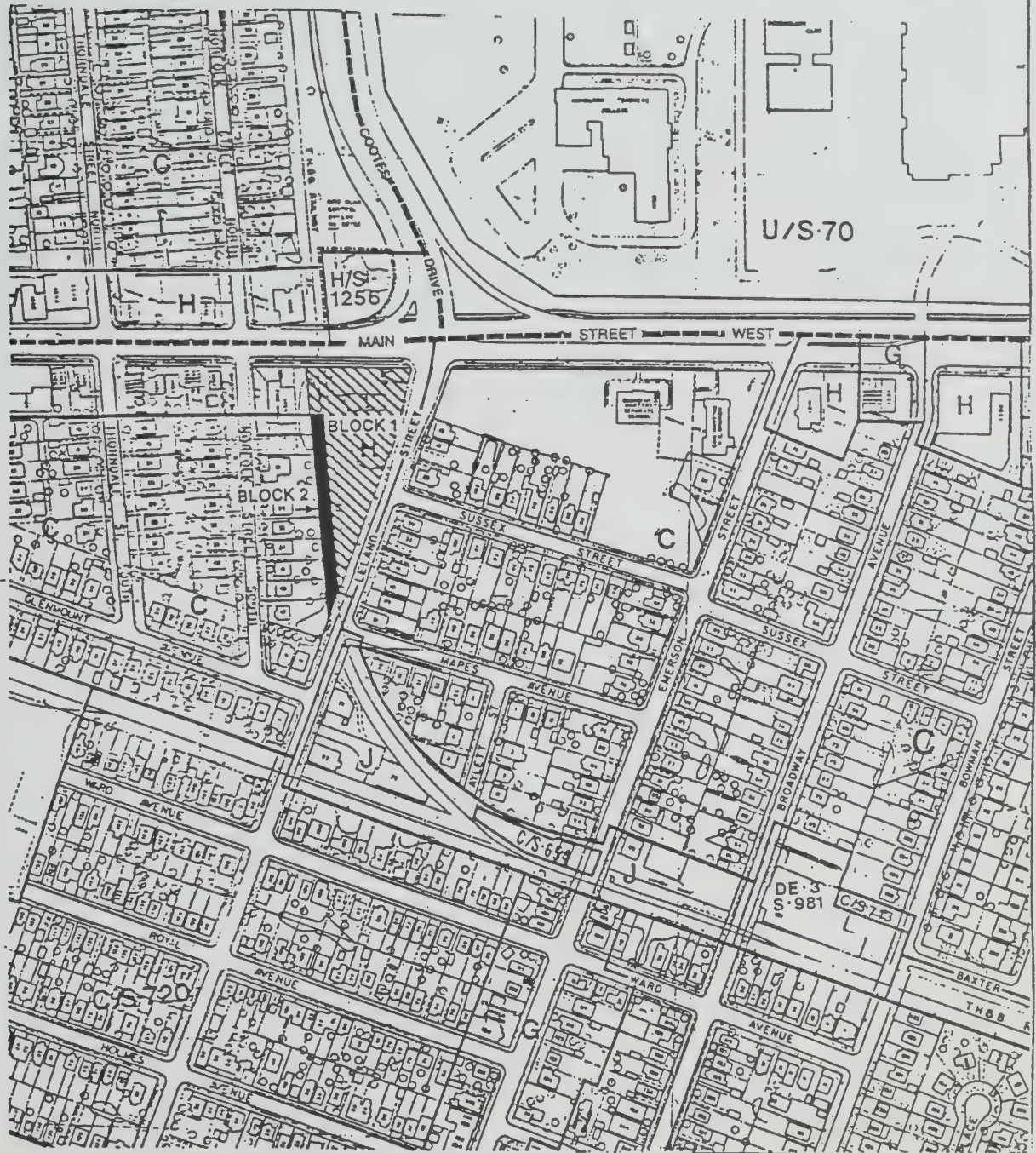
Proposed modification to the established "E" (Multiple Dwellings,
Lodges, Clubs, etc.) District regulations.



ZAC-94-04

1995 April 11

Appendix "B" as referred to in
Section 2 of the ELEVENTH Report
of the Planning and Development
Committee for 1995



Legend

BLOCK 1 

Modification to the established "H" (Community Shopping and Commercial, etc.) District

BLOCK 2 

From: "C" (Urban Protected Residential, etc.) District
To: "H" (Community Shopping and Commercial, etc.) District,
modified


ZAC-95-02

1995 April 11

REPORT OF THE FINANCE AND ADMINISTRATION COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Finance and Administration Committee presents its **ELEVENTH** Report for 1995 and respectfully recommends:

1.
 - (a) That a first right of refusal be offered to those vendors who operated street vendor locations during 1994 for a grandfathered three year term, subject to the new criteria within the Street Vendors Program; and,
 - (b) That those sites identified in the Schedule, attached herewith and marked Appendix "A" be approved as Street Vendor locations; and,
 - (c) That the Director of Public Works be authorized to proceed with a Request for Proposals to solicit street vendors for approved locations as outlined in Appendix "A" herewith attached, for a term of three years; and,
 - (d) That the Schedule attached herewith and marked Appendix "B", outlining the evaluation criteria which will be used in the Request for Proposals package be approved; and,
 - (e) That the Director of Public Works be directed to compile a proposed fee schedule for street vendor locations being grandfathered, based on use and traffic for the consideration of the Finance and Administration Committee; and,
 - (f) That a five member Street Vendor Selection Committee be appointed.
2. That approval be given to the actions taken by the City Clerk in authorizing the Ontario Archaeological Society, Hamilton Chapter, to use the Second Floor Foyer (West End) for the display of artifacts recovered from the turn-of-the century Cathedral Park Landfill Site, from Tuesday, 1995 March 21 until Tuesday, 1995 September 5.
3.
 - (a) That approval be given to the Hamilton-Wentworth Regional Cycling Committee for the use of the City Hall Forecourt on Wednesday, 1995 May 17 between the hours of 6:30 o'clock a.m. to 8:30 o'clock a.m. for the serving of breakfast to bicyclists in promotion of "Bike to Work Week"; and,
 - (b) That the City Clerk be authorized to approve similar use in future years provided it does not interfere with any other activity.

4. (a) That approval be given to Cathedral High School (Boys) for the use of the City Hall Parking Lot (East Side) on Sunday, 1995 July 23 between the hours of 8:00 o'clock a.m. to 4:00 o'clock p.m. for a Basketball Tournament (3 on 3), subject to the requirements of the Parking Authority; and,

(b) That the City Clerk be authorized to approve similar use in future years provided it does not interfere with any other activity.
5. (a) That approval be given to United Disabled Consumers and the Good Shepherd Centres to use the City Hall Forecourt on Sunday, 1995 June 11 between the hours of 8:00 o'clock a.m. to 10:30 o'clock a.m. for a "Kick Off" ceremony and registration for "People in Partnership '95" walk-a-thon; and,

(b) That the City Clerk be authorized to approve similar use in future years provided it does not interfere with any other activity.
6. (a) That approval be given to the Juvenile Diabetes Foundation of Canada to use the Second Floor Foyer for the set up of a Stationary Bike for a fundraising event on Friday, 1995 June 23 between the hours of 8:30 o'clock a.m. to 4:30 o'clock p.m.; and,

(b) That the City Clerk be granted authority to approve similar use in future years provided it does not interfere with any other activity.
7. That approval be given to the action taken by the City Clerk in authorizing Lawfield Minor Hockey to use the City Council Chambers on Wednesday, 1995 March 22 between the hours of 7:00 o'clock p.m. to 9:00 o'clock p.m. for a meeting.
8. That the City exercise its option and issue a purchase order to A-Skylight Window Cleaning Company (1988) Ltd., Hamilton in the amount of \$13,561.68 plus (\$949.32) G.S.T. to clean the interior and exterior windows of City Hall, the City Hall Garage, the Football Hall of Fame, and the exterior marble at City Hall during 1995, this being the lowest tender received in accordance with the specifications issued by the Manager of Purchasing.
9. That the City quit claim and release a parcel of land measuring about 2 feet by 26 feet (Part 6, Plan 62R-8773) at the rear of 499 John Street North to George and Nancy Sterling, the current owners of 499 John Street North.
10. That a purchase order be issued to Weiland Ford Sales, Kitchener, in the amount of \$129,540.60, all applicable taxes included, for the purchase of Six (6) Mid-Size Passenger Sedans for City Garage, being the lowest of seven tenders received in accordance with specifications issued by Purchasing and Vendor's tender, and be financed through the Reserve for Mobile Equipment Account No. CH5X501 00101.

11. That a purchase order be issued to Queenston Chev Olds, Hamilton, in the amount of \$313,153.05, all applicable taxes included, for the purchase of Twenty-one (21) Compact Cars for City Garage, being the lowest of seven tenders received in accordance with specifications issued by Purchasing and Vendor's tender, and be financed through the Reserve for Mobile Equipment Account No. CH5X501 00101.
12. That a purchase order be issued to Weiland Ford Sales, Kitchener, in the amount of \$58,839.75, all applicable taxes included, for the purchase of Three (3) Compact Pick-up Trucks for City Garage, being the lowest of eleven tenders received in accordance with specifications issued by Purchasing and Vendor's tender, and be financed through the Reserve for Mobile Equipment Account No. CH5X501 00101.
13. That a purchase order be issued to Weiland Ford Sales, Kitchener, in the amount of \$144,135.23, all applicable taxes included, for the purchase of Seven (7) Mid-Size Passenger Sedans for City Garage, being the lowest of seven tenders received in accordance with specifications issued by Purchasing and Vendor's tender, and be financed through the Reserve for Mobile Equipment Account No. CH5X501 00101.
14. That the City Solicitor be authorized to prepare an appropriate By-Law to construct an independent concrete sidewalk on the north side of Stone Church Road from Upper Gage Avenue to approximately 61 m west of Rambo Street (east limit of #749 Stone Church Road); from approximately 107 m west of Rambo Street to approximately 222 m west of Upper Sherman Avenue; from approximately 383 m west of Upper Sherman Avenue to approximately 26 m westerly (Hydro property) and on the south side of Stone Church Road from Upper Gage Avenue to approximately 83 m westerly (east limit of 41 Epic Place); from Leaway Avenue to Eleanor Avenue; and, from approximately 37 m west of Eleanor Avenue to approximately 30 m east of Ridgemount Drive under the Local Improvement Act at an estimated cost of \$263,620. with a City's share of \$41,528. to be financed from the 1995 Capital Levy (Account Centre No. CH 22002) and the balance of \$222,092. being the Owner's share to be financed by the issuance of debentures for a period not to exceed 20 years. It is further recommended that application be made to the Regional Municipality of Hamilton-Wentworth to issue debentures in the amount of \$222,092. for a term not to exceed 20 years for the above project.
15. That the Federal Minister of the Environment and the Federation of Canadian Municipalities be advised that Hamilton City Council endorses the National Packaging Protocol (NAPP) programme and supports the FCM Resolution, herewith attached and marked Appendix "C".

16. (a) That City of Hamilton By-law No. 93-045, respecting the regulating and governing of Adult Videos, and for regulating Video Stores in which Adult Videos are provided, be amended to provide for the following:
- (i) (1) A Class A Licence for persons being in the business of operating an Adult Video Store; and,
 - (2) A Class B Licence for persons operating a business where Adult Videos are 20% or less of the video stock offered for sale or rent;
 - (ii) The designated area within a Class B Licence to be equipped with a self closing full-length door; and,
 - (iii) All Adult Video covers or jackets, which contain specified body areas or specified sexual activities as defined in the By-law, to be covered by an opaque cover when being transported from the designated area of a Class B Licence to the Cashier; and,
 - (iv) (1) The number of Adult Videos, permitted as an incidental use in a Class B Business, to be restricted to not more than 20% of the total number of regular videos available; and,
 - (2) The Operators of all Class B Outlets be required to keep on file a list and number of all videos available and a list and number of all Adult Videos available; and,
 - (v) The fee for either class of Adult Video Licence be \$150.; and,
 - (vi) Reduction in the number of licences to four and removing two locations; and,
 - (vii) A hearing for the denial of a licence in accordance with Bill 198, a Provincial Act to amend the Liquor Licence Act, the Municipal Act, the Regional Municipalities Act and certain other statutes related to Upper Tier Municipalities; and,
- (b) That the City Solicitor be authorized to prepare the appropriate By-law to amend By-law 93-045, accordingly.

17. That the Mayor and a maximum of six (6) Aldermen be authorized to attend the 58th Annual Conference of the Federation of Canadian Municipalities to be held in Toronto, Ontario on 1995 June 9 - 12.
18. That City Council consent to the use of the name "Hamilton" in the proposed incorporation of the name "The Greater Hamilton Chinese Dragon Boat Race Society".
19. That the sale of vacant land at the corner of Stone Church Road and DiCenzo Drive to Corrine and John Martin (purchasers) conditionally authorized by Council at its meeting of 1995 January 10, (Section 6 of the Second Report of the Finance and Administration Committee), -- conditional upon fulfilling the new real property sale requirements in the Municipal Act, be confirmed pursuant to the City's new Real Property Sales Procedural By-law No. 95-049, enacted on 1995 January 31, as follows:
 - (a) The said land intended to be sold to the said purchasers has been declared surplus to the requirements of the City; and,
 - (b) Satisfactory Notice to the public of the intended sale has been given pursuant to the provisions of the above Real Property Sales Procedural By-law; and,
 - (c) An appraisal of the fair market value of the real property intended to be sold was obtained on the 14 day of March 1995; and,
 - (d) That the City Clerk be authorized and directed to execute (and issue) a Certificate of Compliance in the form prescribed by Section 193 of the Municipal Act; and,
 - (e) The said conditional Council resolution on the sale to Corrine and John Martin, be amended by deleting said condition being Section 6 (a)(v) of the Second Report of the Finance and Administration Committee approved by City Council on 1995 January 10, and that the City Clerk be directed to notify the purchasers of the removal of such condition and this authorization of the said sale of real property.
20. That the Canadian Polish Congress be permitted to mount a display of Polish Heritage Artifacts (to be contained within a wooden/glass display case), on the first floor of City Hall at the pleasure of City Council in accordance with the City's "Policy on the Acquisition and Display of Plaques, Posters, Memorabilia and Awards in City Hall".

1995 April 11

21. That leave be granted to introduce the following Bills:

- (a) D-24 A By-law to Authorize 1995 Debenture Projects and Amounts.
- (b) D-25 A By-law to Confirm the Proceedings of the Council of The Corporation of the City of Hamilton.

Respectfully submitted,

**ALDERMAN B. CHARTERS, CHAIRMAN
FINANCE AND ADMINISTRATION COMMITTEE**

Susan K. Reeder
Secretary
1995 April 4

STREET VENDING LOCATIONS

- * South-east corner of Bay at York Street (Copps Coliseum)
- * North-east corner of King Street East and Catharine Street
- * North side of King Street East, east of James Street
- * East side of Bay Street, south of York Street (Copps Coliseum)
- * South side of York Street at the entrance to the Farmers Market
- In front of Jarvis Square, near Clock Tower, King Street East
- Northeast corner Ferguson Avenue and King Street East
- Southeast corner Catharine and King Street East
- Southwest corner John and King Street East
- * Southwest corner James Street and King Street West
- * Stelco Tower (north side King Street West)
- * City Hall forecourt
- * Courthouse (between Hughson and John Street South)
- Victoria Avenue North and Barton Street East northwest corner
- James Street North and Wilson northeast corner
- James Street South and King Street southeast corner (Royal Bank)
- Forest Avenue and James Street South southeast corner
- Mountain Park Avenue (along the brow behind Henderson Hospital)

Park Locations

Gage
Dundurn
Gore - (no food or beverage carts)
Pier 4 (4 vendors)
Harbourfront (4 vendors)

Note: Locations marked * will be available to tender only if operator in 1994 does not continue for the next three year term.

EVALUATION CRITERIA

1. Quality of Proposal

- completeness of Proposal Form;
- professionalism; and
- complies with submission instructions.

2. The fee for right to sell at site.

3. Capacity to perform

- financial capacity;
- related experience;
- knowledge of local market conditions;
- ability to comply with City Insurance Standards and all licences and permits;
- appropriateness of the goods proposed to be sold in relationship to adjacent businesses or other street vendors; and
- bidder's proposal (goods or food to be sold) does not conflict with adjacent businesses within 300 feet.

4. Location Standards

- bidder's consideration to public safety, vehicular safety and commercial ambience of the street; and
- creation of a map designating proposed vending location within selected site.

5. - types of goods sold and suggested prices.

6. Operational Plan

- proposed daily service hours.

7. Uniform Cart Designs

- ability to meet specifications and guidelines for cart designs;
- attractive to street;
- colourful;
- imaginative;
- durable;
- readily movable by Vendor;
- food cart complies with all health regulations for products proposed for sale; and
- photograph and/or conceptual drawing of the cart.

NATIONAL PACKAGING PROTOCOL

WHEREAS Canada has a National Packaging Protocol designed to reduce packaging waste through voluntary measures and, if necessary, through regulation;

WHEREAS the Government of Canada is a signatory to the National Packaging Protocol (NAPP);

WHEREAS through NAPP, a 21% reduction in packaging waste was achieved through voluntary measures and governments, including municipal governments, and the private sector have already invested heavily in NAPP;

WHEREAS it is prudent to be in the forefront of environmental restrictions on packaging to ensure access to international markets;

WHEREAS Canada has the highest production of domestic waste per capita in the world and a disposal crisis threatens many areas of the country including all of Canada's big cities;

WHEREAS other countries have 50% less packaging waste than Canada and continue to reduce packaging waste;

WHEREAS concerted action through strong Federal leadership is required to address the complex and challenging waste management issues and to achieve a national strategy to reduce the amount of waste we produce in Canada;

WHEREAS NAPP was given the highest priority among environmental issues with the Federation of Canadian Municipalities (FCM);

BE IT RESOLVED that the Council of _____ urge the Federal Government to reaffirm its commitment to NAPP and the targets and policies of the Protocol;

BE IT FURTHER RESOLVED that the Council of _____ urge the Federal Government to recognize through NAPP the importance of environmentally friendly packaging for Canadian products and the Canadian economy.

**NOTICE OF MOTION
FROM PREVIOUS MEETING**

NOTICE OF MOTION - MAYOR R. MORROW
(February 14 meeting)

MOVED BY: MAYOR MORROW

SECONDED BY: ALDERMAN

"That the City of Hamilton seek entrance to the GTA".

NOTICE OF MOTION - ALDERMAN D. WILSON

MOVED BY: **ALDERMAN**

SECONDED BY: **ALDERMAN**

"That any member of City Council who seeks election to higher office be required to resign their seat once they are officially nominated as a candidate".

**MEETING OF THE COUNCIL
OF THE CORPORATION OF THE CITY OF HAMILTON**

**TUESDAY, 1995 APRIL 11
7:30 O'CLOCK P.M.
COUNCIL CHAMBER, CITY HALL**

B I L L S

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 95-

**TO ALTER HUNTER STREET BETWEEN
JAMES AND JOHN STREETS
BY NARROWING THE PAVEMENT**

WHEREAS the Council of the Corporation of the City of Hamilton is empowered under Section 297 of The Municipal Act, Revised Statutes of Ontario, 1990, Chapter M.45, and amendments thereto, to establish and layout, widen, alter, divert, stop-up, lease, close or sell any highway or part of a highway;

AND WHEREAS the portion of highway known as Hunter Street is a local road under the jurisdiction of The Corporation of the City of Hamilton;

AND WHEREAS the Council of The Corporation of the City of Hamilton, in adopting Item 20 of the 4th Report of the Transport and Environment Committee on March 14, 1995, authorized that steps be taken in accordance with the Municipal Act to advertise Notice of the City's intention to alter Hunter Street as hereinafter described;

AND WHEREAS Notice of the City's intention to pass this By-law to authorize the said alteration has been published as required by Section 300 of the Municipal Act for four (4) consecutive weeks in The Spectator, a newspaper having general circulation of the City of Hamilton:

AND WHEREAS the Council of The Corporation of the City of Hamilton, through its Transport and Environment Committee, has heard all persons who applied to be heard no matter whether in objection to or in support of this By-law;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. That the alterations be approved and carried out to Hunter Street between James and John Streets, for the purpose of narrowing the travelled portion of the said street from the existing width of 19.05 m to a width varying from 7.5 m to 14.5 m as illustrated in Schedule "A" attached hereto.
2. That the Mayor and City Clerk are hereby authorized to execute, on behalf of The Corporation of the City of Hamilton, all contracts necessary for the construction of the said works.

PASSED this day of , 1995.

CITY CLERK

MAYOR

(1995) 4 R.T.E.C. 20, March 14



THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 95-

**TO INCORPORATE CITY LAND DESIGNATED AS
PART 10, PLAN 62R-13077
INTO EMBASSY DRIVE**

WHEREAS the Council of The Corporation of the City of Hamilton is empowered under Section 297(1) of The Municipal Act, R.S.O. 1990, Chapter M.45 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the Council of The Corporation of the City of Hamilton deems it necessary to incorporate a portion of the highway known as Embassy Drive within its limits, the land described below;

AND WHEREAS the said lands are owned by The Corporation of the City of Hamilton.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The following lands are hereby established and laid out as a public highway to form part of Embassy Drive.

Part of Lot 3, Concession 6, in the geographic township of Barton, designated as Part 10, Plan 62R-13077.

City of Hamilton

Regional Municipality of Hamilton-Wentworth

2. The Commissioner of Transportation/Environmental Services or his duly authorized agent is hereby authorized to open as public highway the said lands.

3. This by-law comes into force and takes effect on the date of its registration in the Land Registry Office (No. 62).

PASSED this

day of

A.D. 1995

City Clerk

Mayor

BY-LAW NO. 95 -

TO AMEND BY-LAW NO. 89-72 TO REGULATE TRAFFIC

THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON ENACTS AS FOLLOWS:

TRAFFIC

1. **Schedule 34 (Sticker Permit Parking)** of By-law 89-72 To Regulate Traffic passed on the 28th day of February 1989 is hereby amended by adding thereto the following items, namely:-

*Francis	South	commencing at a point 165 feet west of Douglas to a point 18 feet westerly therefrom	Anytime
Francis	North	commencing at a point 156 feet east of Emerald to a point 19 feet easterly therefrom	Anytime
Case	South	commencing at a point 69 feet west of Ruth to a point 24 feet westerly therefrom	Anytime
Case	North	commencing at a point 170 feet west of Ruth to a point 23 feet westerly therefrom	Anytime".

and by deleting therefrom the following items, namely:-

*Ray	East	commencing at a point 68 feet north of Main to George	Anytime
Gibson	East	commencing at a point 354 feet south of Barton to a point 19 feet southerly therefrom	Anytime
Gibson	West	commencing at a point 360 feet south of Barton to a point 19 feet southerly therefrom	Anytime".

2. **Schedule 26 (No Parking Areas)** is hereby amended by adding thereto the following items, namely:-

*Rutledge	East	from a point 128 feet north of Independence to a point 156 feet northerly therefrom	Anytime
St. Steven	East	Marcella to Greenhill	Anytime
Picton	North	James to Hughson	1 pm - 4 pm 2nd Tues each month APRIL - NOV
• Picton	South	James to Hughson	1 pm - 4 pm 2nd Thurs each month APRIL - NOV
James	East	Strachan to Burlington	1 pm - 4 pm 2nd Thurs each month APRIL - NOV
James	West	Strachan to Burlington	1 pm - 4 pm 2nd Tues each month APRIL - NOV".

3. **Schedule 27 (Alternate Side Parking)** is hereby amended by deleting therefrom the following item, namely:-

"James West East".
Strachan to Burlington

4. **Schedule 25 (Parking Time Limits)** is hereby amended by adding thereto the following items, namely:-

"West 3rd	West	from 116 feet south of Richwill to the southerly end of the street	1 hr	8 am - 6 pm	Mon - Fri
West 3rd	East	Richwill to the southerly end (including the bulb of the Court)	1 hr	8 am - 6 pm	Mon - Fri
Ray	East	from 68 feet north of Main to George	2 hr	8 am - 6 pm	Mon - Sat
Napier	South	Queen to 149 feet east of Ray	3 hr	8 am - 8 am	(24 hrs) Mon - Sun
Napier	South	Ray to 149 feet east	2 hr	8 am - 8 am	(24 hrs) Mon - Sun
Winston	East	Royal to 111 feet north	2 hr	8 am - 6 pm	Mon - Fri
Cannon (north leg)	North	Hess to Caroline	1 hr	8 am - 6 pm	Mon - Fri".

and by deleting therefrom the following items, namely:-

"West 3rd	Both	Richwill to southerly end (including the bulb of the Court)	1 hr	8 am - 6 pm	Mon - Fri
Napier	South	Queen to Ray	2 hr	8 am - 8 am	(24 hrs) Mon - Sun
Beach	North	Norton to Gage	3 hr	8 am - 6 pm	Mon - Sat".

5. **Schedule 23 (Hamilton Street Railway Bus Stops)** is hereby amended by deleting from the INBOUND Column the following items, namely:-

"Eva (E/S) 21 feet south of Eaglewood
Eleanor at Stonechurch
Eleanor between #78 and #84 (MB)
Eleanor between #170 and #180 (MB)".

PASSED this

day of

A.D. 1995.

CITY CLERK

MAYOR

BY-LAW NO. 95 -

TO AMEND BY-LAW NO. 89-72 TO REGULATE TRAFFIC

THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON ENACTS AS FOLLOWS:

TRAFFIC

1. **Schedule 10 (Stops at Intersections)** of By-law 89-72 To Regulate Traffic passed on the 28th day of February 1989 is hereby amended by adding thereto the following items, namely:-

"Lorne	Northbound and Southbound	Afton
Independence	Northbound and Southbound	Adler
Brucedale	Westbound	West 2nd
Queensdale	Westbound	West 2nd
Genesee	Westbound	West 2nd".

2. **Schedule 35 (Wheelchair Loading Zones)** is hereby amended by adding thereto the following items, namely:-

"Lynbrook	South	25 feet	190 feet west of the west curb line of Rolston	7:00 am - 6:00 pm Monday to Saturday
Royal	North	19 feet	61 feet west of Leland	8:00 am - 5:00 pm".

3. **Schedule 29 (No Stopping Areas)** is hereby amended by adding thereto the following items, namely:-

"Lynbrook	South	commencing at a point 215 feet west of the west curb line of Rolston to a point 206 feet westerly therefrom	7:00 am - 6:00 pm Monday to Saturday
Ray	West	Napier to 46 feet north	Anytime
Herkimer	North	commencing at a point 206 feet east of Locke to a point 54 feet easterly therefrom	Anytime".

and by deleting therefrom the following item, namely:-

"Ray	West	Napier to 83 feet north	Anytime".
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4. **Schedule 31 (School Bus Loading Zones)** is hereby amended by deleting thereto the following item, namely:-

"Bruceedale	South	118 feet	commencing 77 feet west of East 5th	7:00 am to 6:00 pm Monday to Saturday".
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PASSED this

day of

A.D. 1995.

CITY CLERK

MAYOR

The Corporation of the City of Hamilton

BY-LAW NO. 95-

To Amend:

Zoning By-law No. 6593

Respecting:

LAND LOCATED AT

MUNICIPAL NO. 680 VAN WAGNER'S BEACH ROAD

WHEREAS it is intended to establish a special requirement under section 19B of By-law No. 6593, passed on the 25th day of July, 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December, 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The "AA" (Agricultural) District provisions, as contained in Section 7A of Zoning By-law No. 6593, applicable to the lands, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A", are amended to the extent only of the special requirement that,

- (a) notwithstanding Section 7A.(1)(c) of Zoning By-law No. 6593, a penny arcade with a maximum of 30 machines shall be permitted accessory to the public use of a theme park.

2. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "AA" District provisions, subject to the special requirement referred to in section 1.

3. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-1338.

4. Sheets No. E-121 and E-122 of the District Maps are amended by marking the lands referred to in section 1 of this by-law, S-1338.

5. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED this

day of

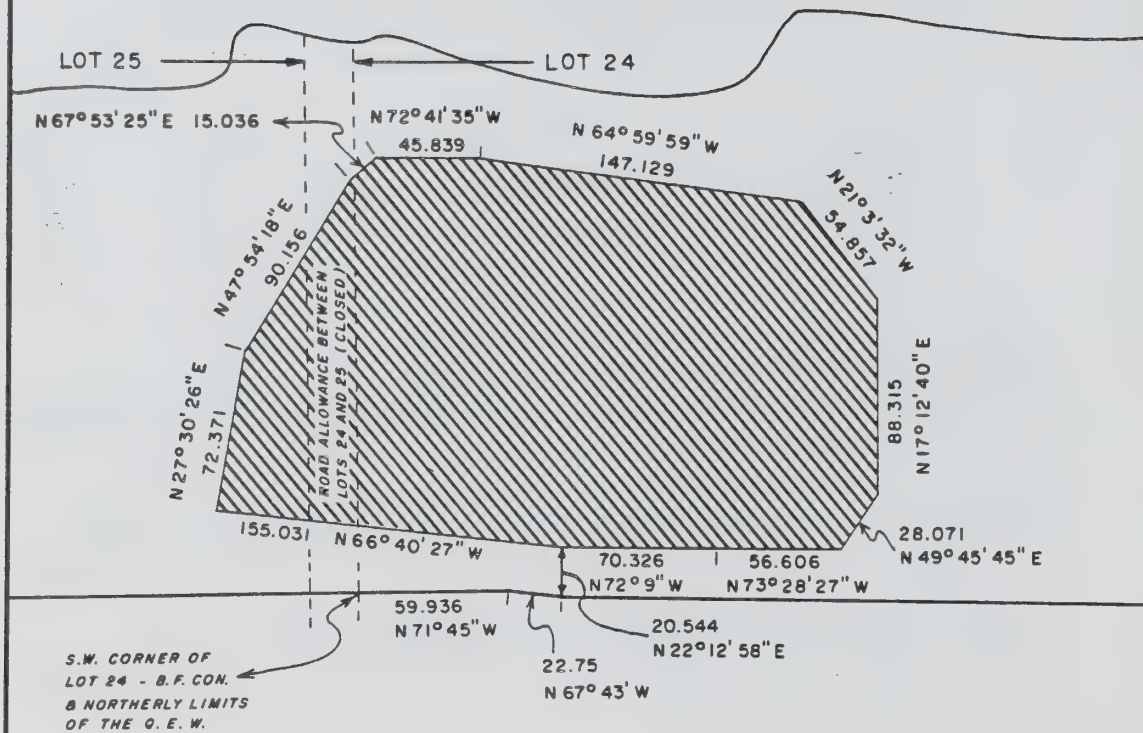
A.D. 1995

CITY CLERK

MAYOR

(1995) 5 R.P.D.C. 1, January 31

The Regional Municipality of Hamilton-Wentworth, Owner
ZA-94-31



THE QUEEN ELIZABETH WAY

NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 95-.....
Passed the day of, 1995.

Clerk

Mayor

City of Hamilton

Schedule A

Map Forming Part of
By-Law No. 95-.....
to Amend By-Law No. 6593

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



Modification to the
"AA" (Agricultural) District.

North



Scale
Not to Scale

Date
MARCH 1995

Reference File No.
ZAR-94-31

Drawn By
Z.K.

The Corporation of the City of Hamilton

BY-LAW NO. 95-

To Amend:

Zoning By-law No. 6593
As Amended by Zoning By-law No. 91-124

Respecting:

**LANDS LOCATED ON THE WEST SIDE OF LOCKE STREET SOUTH,
BETWEEN KING STREET WEST AND MAIN STREET WEST
(MUNICIPAL NOS. 18 TO 64 LOCKE STREET SOUTH)**

WHEREAS the Council of The Corporation of the City of Hamilton passed Zoning By-law No. 6593 on the 25th day of July 1950, which by-law was approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 91-124 on the 25th day of June 1991 to change the zoning and establish special requirements under Section 19B of Zoning By-law No. 6593, for the "D" District, in respect of the lands located on the west side of Locke Street South from Municipal Numbers 18 to 64 Locke Street South, the extent and boundaries of which are shown on a plan thereto annexed as Schedule "A", which by-law came into force on the day it was passed in accordance with the Planning Act;

AND WHEREAS the Council of The Corporation of the City of Hamilton, in adopting Section 1 of the 8th Report of the Planning and Development Committee at its meeting held on the 14th day of March 1995, recommended that Zoning By-law No. 6593, as amended by By-law No. 91-124, be further amended as hereinafter set out;

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The "D" (Urban Protected Residential - One and Two-Family Dwellings, etc.) District provisions, as contained in Section 10 of Zoning By-law No. 6593, as amended by By-law No. 91-124, applicable to the lands, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A", are further amended as follows:

(a) Section 1.(c) of By-law No. 91-124 is deleted in its entirety.

2. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "D" District provisions, subject to the special requirements referred to in section 1 of By-law No. 91-124 and section 1 of this by-law.

3. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-1219a.

4. Sheet No. W-12 of the District Maps is amended by marking the lands referred to in section 1 of By-law No. 91-194 and section 1 of this by-law, S-1219a.

5. In all other respects, By-law No. 91-124 is hereby confirmed, unchanged.

6. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED this

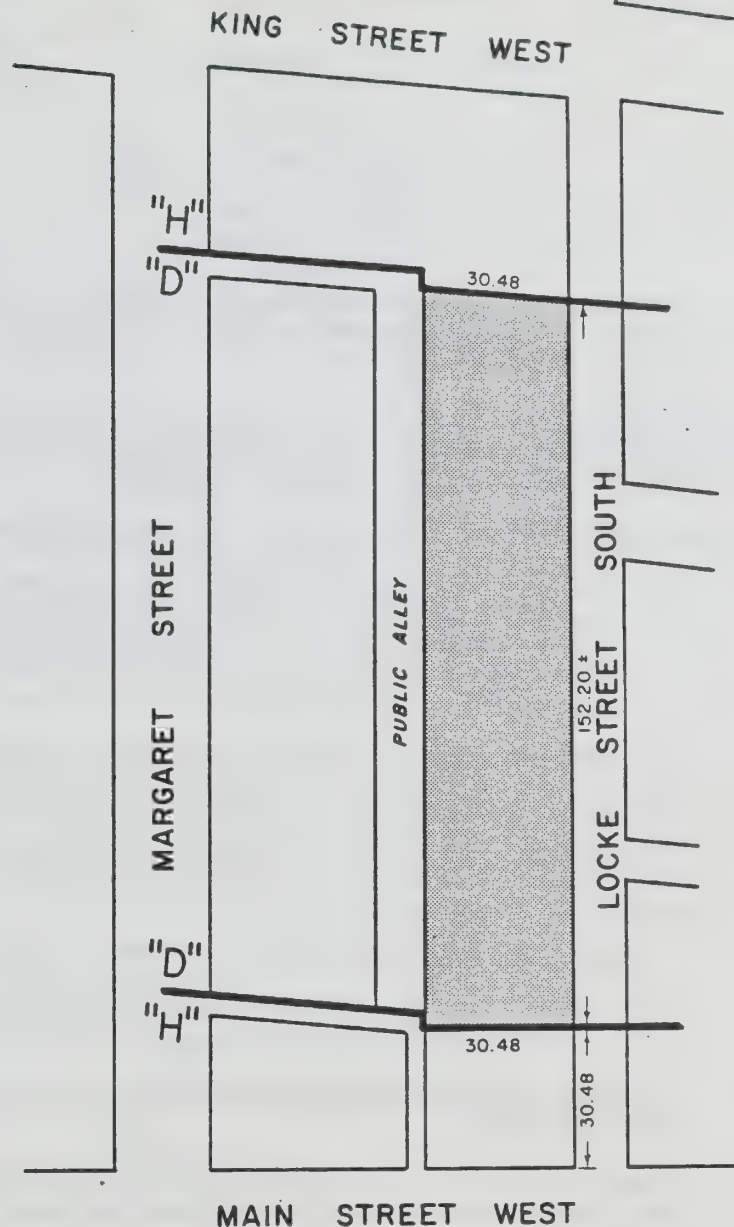
day of

A.D. 1995

CITY CLERK

MAYOR

(1995) 8 R.P.D.C. 1, March 14
City Initiative 95-A



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 95-.....
Passed the day of, 1995.

.....
Clerk

.....
Mayor

City of Hamilton

Schedule A

Map Forming Part of
By-Law No. 95-.....
to Amend By-Law No. 6593

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



Further modification to the
established "D" district.

North



Scale
Not to Scale

Date
MARCH 1995

Reference File No.

C.I. 95-A

Drawn By
Z.K.

The Corporation of the City of Hamilton

BY-LAW NO. 95-

**To Remove
Land within the Allison Estates, Phase 1 Subdivision, Plan 62M-778
from Part Lot Control**

WHEREAS subsection 5 of section 50 of the Planning Act, (R.S.O. 1990, Chapter P.13) establishes part-lot control on land within registered plans of subdivision;

AND WHEREAS subsection 7 of section 50 of the Planning Act, states, in part, as follows:

- (7) Despite subsection (5), the council of a local municipality may by by-law provide that subsection (5) does not apply to land that is within such registered plan or plans of subdivision or part of parts thereof as is or are designated in the by-law, and, where the by-law is approved by the Minister, subsection (5) ceases to apply to such land, . . .;

AND WHEREAS the Minister has delegated his authority to approve by-laws enacted under subsection 7 of section 50 of the Planning Act to the Council of The Regional Municipality of Hamilton-Wentworth pursuant to section 4 of the Planning Act by Ontario Regulation 476/83;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Subsection 5 of section 50 of the Planning Act, shall not apply to the following lands:

Lots 1 to 10 inclusive and Lots 20 to 32 inclusive within Registered Plan Number 62M-778, in the City of Hamilton, Regional Municipality of Hamilton-Wentworth.
2. (a) This by-law is subject to the approval of the Council of The Regional Municipality of Hamilton-Wentworth.
- (b) Where this by-law has been enacted and the said approval has been endorsed hereon, it shall be registered on title to the land described in paragraph one above.

PASSED this day of A.D. 1995.

CITY CLERK

MAYOR

This Bylaw is approved pursuant to section 50(7), the Planning Act and section 4, Bylaw R89-171 of The Regional Municipality of Hamilton-Wentworth, this day of 1995.

Commissioner of Planning and Development of
The Regional Municipality of Hamilton-Wentworth

SCHEDULE "A" TO BY-LAW NO. 95-

<u>Project</u>	<u>Gross Cost</u>	<u>Subsidy Receipts</u>	<u>Capital Levy Financing</u>	<u>Net Debenture Authorization</u>
Trigeneration (C.U.P.) Infrastructure - Increased Costs	\$ 1,664,000	\$ -	\$ -	\$ 1,664,000
Major Maintenance to Civic Buildings	1,064,000	-	63,000	1,001,000
City Hall - Roof Replacement	318,000	-	-	318,000
0.0 Roadway and Sidewalk Reconstruction Program - Local Roads - Phase I	7,225,000	1,806,000	-	5,419,000
1.1 Roadway and Sidewalk Reconstruction Program - Local Roads - Phase II	1,300,000	325,000	-	975,000
1.0 Gore Park Walkway Restoration	<u>315,000</u>	<u>-</u>	<u>-</u>	<u>315,000</u>
	<u>\$11,886,000</u>	<u>\$ 2,131,000</u>	<u>\$ 63,000</u>	<u>\$ 9,692,000</u>

MAYOR

URBAN/MUNICIPAL

CA4 ON HBL A05

A31

1995



Mr. K. Roberts
Chief Executive Officer
Hamilton Public Library

2nd floor

URBAN MUNICIPAL

1995 April 7

APR 10 1995

NOTICE OF MEETING

GOVERNMENT DOCUMENTS

COMMITTEE OF THE WHOLE

Tuesday, 1995 April 11
5:30 o'clock p.m.
Room 233, City Hall

J. J. Schatz
City Clerk

The purpose of this meeting is to consider the attached report from the Chief Administrative Officer with respect to the Local Planning Function reporting arrangement.

c.c.: Management Team

*** A light dinner will be provided in Room 264 at 5:00 p.m. ***

OFFICE OF THE CITY CLERK

MEMORANDUM

TO: Mr. J.J. Schatz,
City Clerk

FROM: Stella Glover, Secretary,
Planning & Development Committee

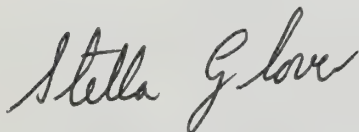
SUBJECT: Referral from the Planning and
Development Committee - Local
Planning Function - Reporting
Arrangement

DATE: 1995 April 5

Please be advised that the Planning and Development Committee at its meeting of 1995 April 5 approved the following:

"That Item 5 - Local Planning Function - Reporting Arrangement be referred to a Special Meeting of the Committee of the Whole, the time and location to be determined by the Mayor".

Attached for your information is a copy of a report dated 1995 April 03 from the Chief Administrative Officer together with copies of four written submissions which were received in this regard.



cc: Mayor Robert M. Morrow
Ald. D. Drury, Chairperson, Planning and Development Committee
Mr. J.G. Pavelka, Chief Administrative Officer
Mr. L. King, Building Commissioner
Mr. V. Abraham, Director of Local Planning
Mr. J. Johnston, Commissioner of Human Resources

CITY OF HAMILTON**- RECOMMENDATION -**

DATE: 1995 April 03

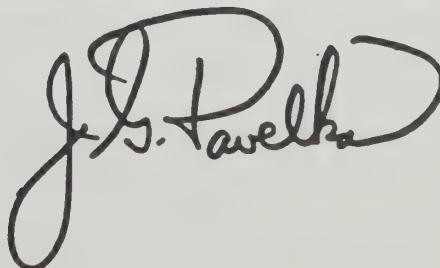
REPORT TO: Stella Glover, Secretary
Planning and Development Committee

FROM: J.G. Pavelka, P.Eng
Chief Administrative Officer

SUBJECT: Local Planning Function
- Reporting Arrangement

RECOMMENDATION:

1. That the Director of Local Planning and/or his representatives maintain its independent counsel to Committees and City Council:
 - by authorizing and signing the reports on local planning issues
 - by attending and responding directly to the Planning and Development Committee
 - by attending and responding directly to City of Hamilton Council
2. That the Director of Local Planning and the Local Planning Function report administratively through the Commissioner of Planning, Development and Building.
3. That continuous improvement initiatives for the following activities be undertaken throughout the year along with the normal work and operation:
 - site plan
 - zoning
 - Committee of Adjustment
4. That staff under the Chief Administrative Officer review the operations and the reporting of the:
 - Community Renewal Section
 - Committee of Adjustment Administration



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Of the \$295,915 to be saved in merging the Local Planning function with the Building Department, \$160,385 (\$95,385 + \$65,000) will be saved effective April 03, 1995 by transferring the employees to the City of Hamilton.

The remaining \$135,520 (\$295,915 - \$160,325) to be saved will be contingent on the integration of the "like" services such as reception, typing, word processing, cartography, telephones, office supplies, office space, photocopiers, filing, storage and computers between the Building Department and the Local Planning function.

Both Directors have committed to finding their respective prorated share.

However, from a practical/operational perspective, this additional savings is more likely to materialize if there is one larger group emphasizing diminishing boundaries as opposed to vertical silos.

Discussion

A. LOCAL PLANNING FUNCTION AS A CITY OF HAMILTON DEPARTMENT

Effective Monday, April 03, 1995, the employees were transferred to the City of Hamilton and the local planning function will not be purchased from the Region of Hamilton-Wentworth.

All of my discussions with the Directors and a number of the staff involved have confirmed that it is unanimous that as City staff:

1. They can become more committed, more responsive, and more productive to local issues.
2. They no longer will feel "awkward" as Regional staff working contractually for the City of Hamilton on its local issues.

B. STAND ALONE DEPARTMENT VERSUS MERGED WITH THE BUILDING DEPARTMENT

The Director of Local Planning and a number of staff (4) have all confirmed that they will work effectively and efficiently regardless of the hierarchical structure.

To respond to how Local Planning should be integrated into the City of Hamilton's organization, I have pursued the following to rationalize the optimum reporting arrangements.

	Stand Alone Department	Merged with Building Dept.
Director of Local Planning - V. Abraham	✓	
Building Commissioner - L. King		✓
Senior Management Team		✓
Comparison with other Municipal Reorganizations		✓
Price Waterhouse - John Simke		✓
Chief Administrative Officer - J. Pavelka		✓

CAPIC - passed the attached resolution

- supporting a strong, effective, independent Planning Department, and;
- encouraging coordination with the Regional Planning and Development Department

To obtain this input independently, I have asked both the Director of Local Planning and the Building Commissioner to submit their thoughts on this matter. Attached to this report are their comments.

C. INDEPENDENT COUNSEL AND PROFESSIONAL ETHICS

The Engineer's Code of Ethics, part of the Professional Engineers Act, Section 72(2)(F) states that professional misconduct means:

"failure of a practitioner to present clearly to the practitioner's employer the consequences to be expected from a deviation proposed in work. If the professional engineering judgement of the practitioner is overruled by non-technical authority in cases where the practitioner is responsible for the technical adequacy of professional engineering work"

Accordingly, it would be "unethical" for a Professional Engineer to not provide his employer with the best possible professional advice. Therefore, it would be incumbent of the Professional Engineer as a supervisor to permit another professional such as a Professional Planner to deliver independent, strong, effective and well documented advice and/or recommendations.

Similarly, the Ontario Professional Planners Institute was contacted. Their Executive Director confirmed that she did not foresee a problem or concern with a Director of Local Planning reporting through a Building Commissioner. Nor is there anything in the Ontario Professional Planners Institute's Professional Code of Conduct that would prohibit this.

A prime example of where this works quite successfully is with the General Manager of Non-Profit Housing reporting through the Building Commissioner. Although reporting through the Building Commissioner administratively, the General Manager of Non-Profit Housing reports independently to the two Boards of the Non-Profit Housing Organizations.

Particularly in the City of Hamilton culture where there is a strong department head/manager voice at the Standing Committees and City Council, there is absolutely no doubt in my mind that there would be strong, effective and independent representation by the Director of Local Planning even if reporting administratively through the Building Commissioner.

D. Integration and Administration

Of concern to me, if the two functions are left independent is that there will then be no one responsible for merging the "like" functions of reception, typing, word processing, cartography, telephones, office supplies, office space, photocopies, filing, storage and computers. To date each of these roles has retained its own resources within their respective silos and unfortunately history has confirmed that there has not been a sharing of the resources. An administrative reporting relationship between the two positions would have substantially more control and result in maintaining the Corporation's costs in these areas.

Furthermore, because of the silo effect by each department, despite the City's Corporate culture embracing continuous improvement there has been none to date between the two departments. This is of particular concern because both departments have responsibility for site plans, zoning and for Committee of Adjustment. Accordingly, continuous improvement processes in these three areas are necessary to determine if there can be a reduction in administrative time and costs in dealing with these issues.

Current Management Practices for operations with similar and related activities is to merge to:

- diminish boundaries
- emphasize integration and problem solving
- encourage horizontal communication
- promote staff rotation

There is also concern about the administration of the budget. The responsibility for the preparation and monitoring has been with the Manager of Administration who has stayed with the Regional staff. Although each Manager and the Director of Local Planning should be intimately familiar with the budgets, a single administrator could prepare, manage, organize and monitor both the budgets for Local Planning and for the Building Department.

CONCLUSION:

After a review of this matter, considering the many different facets of this responsibility, it is my opinion that the Director of Local Planning reporting through the Commissioner of Planning, Development and Building will provide the optimum service to the City of Hamilton and still not jeopardize the Director of Local Planning's counsel to Committees and City Council.

Alternatively the Director of Local Planning and the Local Planning Function could report functionally through the Chief Administrative Officer and administratively (budget and support staff) through the Building Commissioner.

This alternative is being outlined in response to the concerns expressed by a number of elected representatives for the perception of independence by the Director of Local Planning. It is not the recommendation.

JGP:dd
Attach

c.c. V.J. Abraham, M.C.I.P., Director, Local Planning
L. King, Building Commissioner
J. Johnston, Commissioner of Human Resources



PLANNING AND DEVELOPMENT DEPARTMENT

City of
HAMILTON

71 Main Street West, Hamilton, Ontario L8N 3T4 (905) 546-4221 Fax (905) 546-4202 TDD-546-2448

1995 March 31

Mr. J.G. Pavelka, P.Eng.,
Chief Administrative Officer,
City of Hamilton.

Dear Mr. Pavelka:

RE: Transfer of Local Planning Responsibilities to the City of Hamilton

Enclosed you will find the requested information on a Stand Alone City of Hamilton Planning Department. In preparing this brief, our research has lead to the conclusion that a separate Planning Department could essentially achieve the same monetary savings to the Corporation as the previously discussed integration with the Building Department.

In the longer term, we believe there are opportunities for enhanced customer service with the integration of planning-related functions with the work of the Local Planning Branch; we look forward to working with staff of the other City Departments in implementing improved customer service. Lastly, we believe the attached report addresses the concerns regarding the nature of planning in the City, as identified by the members of Council and the public.

As there continues to be varying opinions on the organization of a City Planning function, you may wish to leave the Local Planning Branch as a stand-alone entity for an interim period (approximately six months) while the preparation of an administrative plan can be prepared addressing how this change can fit into the overall administration of the City. It should be noted that in the Burlington model each Department acted independently within the larger Division and that the groups were grouped for administrative and common interests. Without an overall strategy or plan an amalgamation with the two Departments seems premature. As immediate cost savings can occur time exists for further study to ensure any move is in the right direction.

After this interim period, you can review to determine if in fact savings are being achieved and customer improvement initiatives can be achieved cross-departmentally. Consider this period as a test case to see if we can deliver what we promise. If not, you could amalgamate us with Building. Nothing is lost with this approach and if it doesn't work, amalgamation can still occur. The politicians can be satisfied a stand-alone Department was attempted, little time is lost and

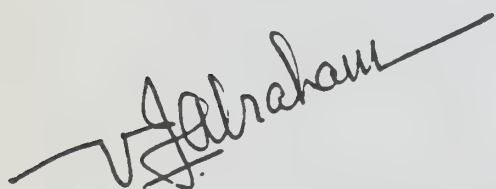


cost savings can still be initiated at that time.

If amalgamation is to occur now, it is suggested that Local Planning act as an independent group. The Planning Director should report directly to the Planning and Development Committee and City Council on planning matters. In addition, the Director should remain on Management Team. The Branch should be responsible for establishing its own work program and budget requirements independently of the larger Department, recognizing of course that coordination of the budget within the Department is necessary.

I would be pleased to discuss this report with you. I, and my staff, look forward to the opportunities ahead within the City Administration.

Yours truly,

A handwritten signature in dark ink, appearing to read "V. J. Abraham", with a long horizontal line extending to the right.

V. J. Abraham, M.C.I.P.
Director of Local Planning

A STAND-ALONE CITY OF HAMILTON PLANNING AND DEVELOPMENT DEPARTMENT

As requested by the Planning and Development Committee on March 22, 1995, one organizational option for further evaluation involves the present Local Planning Branch assuming the role as an independent City of Hamilton Planning and Development Department.

The 27 employees of the Local Planning Branch could constitute a stand-alone City Planning and Development Department in the same manner as it does now, without the need for any additional staff resources. It should be noted that compared to other municipalities of similar size in Ontario. On average, other municipalities have 1 planning staff person for every 4,440 residents. In Hamilton, there is 1 planning staff person for every 11,778 residents (see attached chart for details).

The following is a discussion of the organizational principles involved with the creation of a City of Hamilton Planning and Development Department:

- **Integrity of Planning Advice.** As a stand-alone Department, planning advice must be technically sound and not subject to influences and political pressures.

In addition, a separate and stand-alone City of Hamilton Planning and Development Department will build upon the relationship of independent Planning advice being provided to Hamilton City Council with planners now being City staff reporting directly to Council through the Director of Local Planning. Further, the Department will be able to establish and promote a focused and identifiable City of Hamilton planning presence in Hamilton-Wentworth and through southern Ontario.

Staff morale will remain higher as there are assurances that planning advice will remain technically sound and professional integrity not compromised.

- **Public Perception and Involvement.** The Local Planning Branch deals extensively on a daily basis with Hamilton residents and community organizations through various advisory committees, neighbourhood groups, telephone inquiries and at-the-counter meetings. The public and community organizations recognize and expect that the City maintain a strong independent planning function with a Department Head reporting directly to the Chief Administrative Officer. It is clear that only a stand-alone City of Hamilton Planning and Development Department can provide the appropriate planning advice that the residents and community organizations of Hamilton seek.
- **Training and Staff Development.** As a stand-alone Department, training and staff development programs can be geared to professional planning practice and related functions. An amalgamation with another Department will result in training programs that are more generalized. This has appeal to staff seeking broad and varied job experiences and responsibilities; however this has limitations for planners seeking advanced professional development opportunities within their field. A strong corps of professional planners will ensure the continuity of planning advice to Council as staff turnover occurs.

- **Customer Service.** Opportunities for improved customer service in a City Planning Department exist and are currently being implemented. For example, subdivision and condominium processing is being integrated with the zoning process so that the customer deals with one person for planning approvals.

Bill 163 provides for a "front end tilt" in the planning process. Staff of the Local Planning Branch are already working to identify and implement the requirements of this new Act at the City level to provide the customer with a one window approach to development approvals at the City.

The move of Local Planning to the City create new opportunities for continuous improvement initiatives with other Departments.

- **Other City Planning Functions.** There are a number of other "planning-related" functions occurring in other City Departments, e.g., Community Renewal, Parks, Culture & Recreation and Housing. A stand-alone City of Hamilton Planning and Development Department could strengthen and consolidate these functions and result in stronger planning advice to the City Council and a greater planning presence at a Regional and Provincial scale.

The following points discuss the budgetary and organizational aspects of a stand-alone City of Hamilton Planning and Development Department:

- **Administration.** As a City Department of 27 persons, administrative duties would have to be absorbed into the existing staff complement. Current administrative costs are \$80,400 per year (see attached chart). These savings will be achieved regardless of whether the Local Planning Branch is converted to a stand-alone City Department or is incorporated with another City Department. These savings will be accrued through existing staff taking on the additional administration work or, alternatively, by the provision of administrative services from another Department with underutilized capacity to undertake the administrative work.
- **Technical and Cartographic Services.** The transfer of the Local Planning Branch to the City will result in a smaller staff complement to undertake the various work tasks. This could be resolved through taking longer to complete the required work or through hiring additional staff. An additional cost of \$18,920 is required to offset the City costs of the Supervisor of this Section, who will be employed by the City. However, there is excellent potential for this Section to act as a "corporate resource" and play a lead role in implementing the Geographic Information System work of Parcels in the City and potentially provide service to other departments, thereby creating additional revenues.
- **Subdivision and Condominium Processing, Part Lot Control By-law Applications and Street Name Changes.** This activity, presently undertaken by the Regional Planning Branch, can be absorbed into the new City Department without any additional staff requirements or disruption to service. These initiatives are generally undertaken in tandem with other development controls applications i.e., Official Plan Amendments and/or Rezoning, which will result in less customer confusion and increased efficiencies.

This action would be consistent with the current practice of other Area Municipalities in Hamilton-Wentworth where applications of this type are forwarded directly to the respective municipality for review and comment.

- **Parcil Contributions.** The Local Planning Branch's share of the City's Parcil planning contributions have been absorbed by the Region for the last four years. The City will now have to fund this contribution set at \$35,158 for 1995 and \$28,189 for 1996, regardless of the organizational framework.

Conclusion:

As a stand-alone City Department, staff will operate essentially as the Local Planning Branch does now. There are several opportunities for the amalgamation of other planning-related functions currently undertaken by other City Departments within the new stand-alone City of Hamilton Planning and Development Department. This will strengthen the Planning advice provided to Hamilton City Council and also establish and promote a focused and identifiable City of Hamilton planning presence in Hamilton-Wentworth and through southern Ontario.

With a stand-alone Department, Hamilton residents and community organizations can clearly identify the source of local planning advice and expertise. Through cross Departmental review of the various planning and development processes customer services will be improved. Cost savings for a stand-alone Department could be the same as an amalgamated Department.

The establishment of a stand-alone Department is also consistent with current organizational structure thinking that support the establishment of smaller, responsible teams to address issues. These smaller teams can react quicker and can better address problems than larger organizations. The municipal "super-department" was a trend of the 1960s and 1970s in Canada. Current management thinking suggests that larger Departments are not any better and in fact smaller empowered groups are more effective at responding to issues and problems. A larger amalgamated Building and Planning Department would be counter to current municipal organizational thinking which supports smaller responsible units.

Bill 163 (The New Planning Act), the forthcoming new Heritage Act, and the New Official Plan, coupled with public expectations, require municipalities to assume a greater role and establish more control over local planning activities. Many Municipalities have already moved to stronger Planning Departments. These Departments have successfully assumed a diversity of roles including the establishment of corporate budgeting policy, corporate strategic planning, community development and implementation of major public projects. In municipalities where building and planning functions are contained within one Department, the building functions are clearly subjugated to planning activities and these Departments are under the leadership and direction of a professional planner. A stand-alone Department is in a superior position to respond to changing planning trends and public demands for greater planning coordination at the Local level.

Based on the above discussion, it is clear a stand-alone City of Hamilton Planning and Development Department is the prudent option. A clear and focused City of Hamilton planning presence would be established at the Regional and Provincial context and staff morale would be improved markedly. This new Department would operate under continuous improvement practices to bring about enhanced cost savings, identify efficiencies in current processes, and better serve our customers. In addition, both the Planning and Building Departments should undergo continuous improvement initiatives so that all processes in common with Building can be improved for quicker processing to serve the customer better through "one stop shopping" and potentially result in cost savings.

In terms of monetary cost savings, the new stand-alone Department could realize the same savings on both the City and Regional levels compared to an amalgamated Building/Planning Department and at the same time maintain its impartial planning advice to City Council and the residents and businesses of Hamilton.

City	Population	Planning Staff	Building Department Staff	Housing (Non-Profit)	Official Plan Review	Planners Per Capita
Burlington	130,000	26				1/5000
Oakville	125,000	27				1/4630
Stoney Creek	50,000	14				1/3571
London***	336,000	37			7	1/7636
Kitchener**	174,000	68		9		1/2260
Toronto	635,395	190				1/3344
Scarborough*	564,000	43	110			1/3686
Ottawa	318,000	59				1/5390
Hamilton	318,000	27				1/11778
* Combined Building and Planning Department						
** Kitchener Housing Inc. - not budgeted						
*** Vision '97 (Official Plan Review)						
Average Number of Planners Per Capita excluding Hamilton =					1/4440	

Estimate of "Potential Savings" from the proposed amalgamation of the Bldg. Dept
and the Local Planning Branch—City of Hamilton

A. Breakdown of '95 Budget by section:

	1995 Budget
(I) Administration	167,880
(II) Local Planning	1,478,540
(III) Tech and Carl	288,740
	<u>\$1,935,160</u>

B. Estimate of savings by Section:

	1995 Budget	Potential Savings	Reason	Remarks
(I) Administration				
Salaries & Wages	59,600	59,600	Represents 20% charge-back of 5 Reg. admin. staff	Potential decrease in Clerk's revenue
Benefits	10,800	10,800	Represents 20% charge-back of 5 Reg. admin. staff	
Office Supplies	14,800	10,000	The \$14,800 represents charge-back from the City Clerk's Service Section for printing services	
Saving Subtotal:		<u>\$80,400</u>		
% saving compared to Section Budget		47.9%		
(II) Local Planning				
Salaries & Wages	1,153,300	33,500	Include charge back from the Reg. re "Subdivision Administration and 2,000 in vacation pays.	
Benefits	223,930	6,700	Corresponding saving in benefits (20% of above)	
Saving Subtotal:		<u>\$40,200</u>		
% saving compared to Section Budget		2.7%		
(III) Tech and Carl				
Salaries & Wages	193,000	7,000	Represents \$5,000 in summer employment and \$2,000 in OT	
Benefits	39,130	4,800	Corresponding saving in benefits at 19%	
Less:				
Salaries & Wages		(25,600)	Absorb the other 50% of Fab's salary (\$51,200 p.a.)	
Benefits		(5,120)	Absorb the other 50% of Fab's benefits	
Saving Subtotal:		<u>(\$18,920)</u>		
% saving compared to Section Budget		-6.6%		
(IV) Others				
Building Dept				
Salaries & Wages		27,500	Delete the Receptionist position from the CSR Division	Position vacant
Benefits		6,500		
Saving Subtotal:		<u>34,000</u>		
PARCIL				
Parcil contributions		(35,150)	Region contributes to PACIL on an on-going basis. It used to absorb 100% of the contribution. Intends to intends to 50/50 with the Local Branch upon amalgamation	
Saving Subtotal:		<u>(\$35,150)</u>		

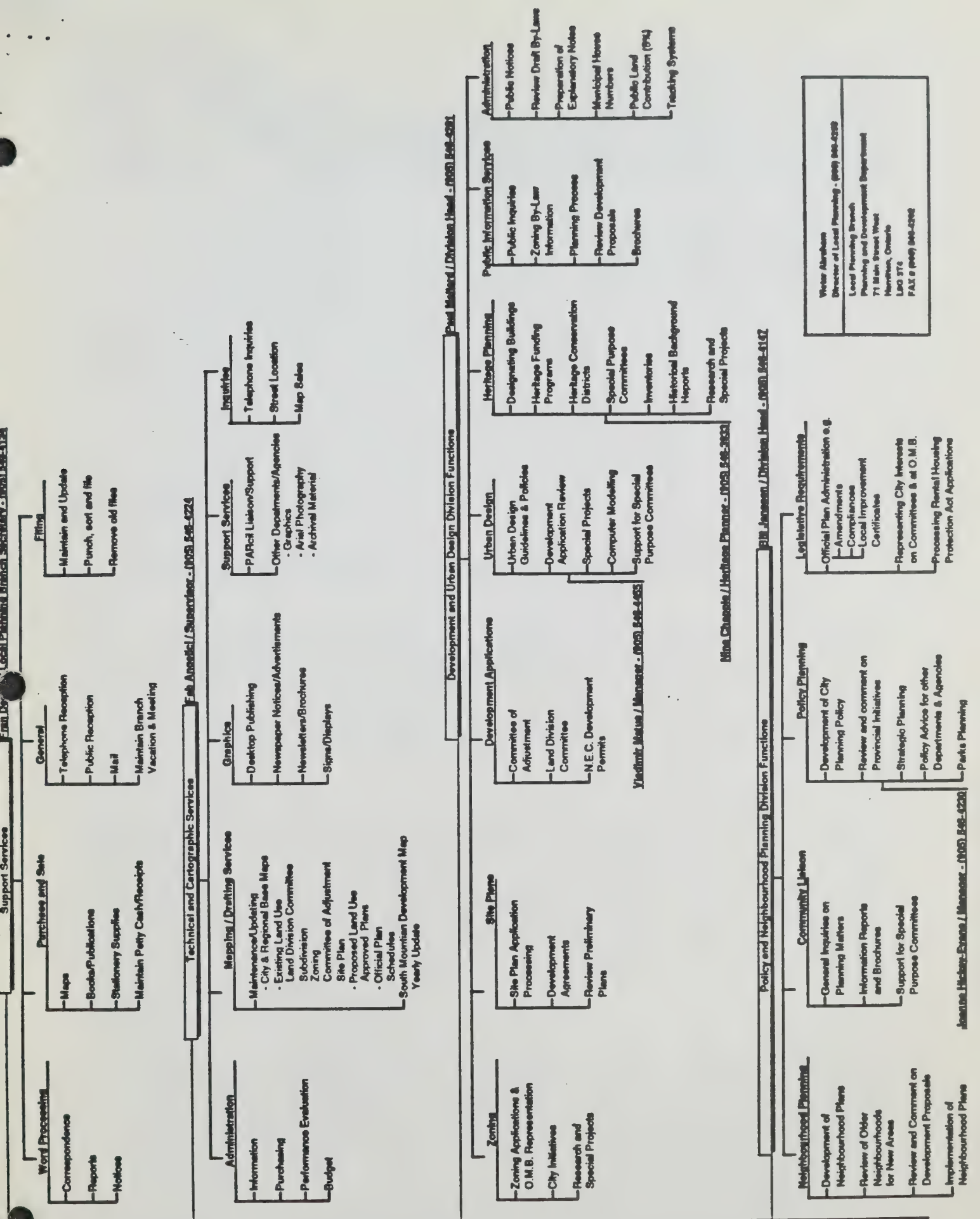
Est. total savings (incl. PARCIL) \$100,530 (1)

Notes (1) The \$100,530 in total estimated savings does not include \$109,370 in internal transfers comprised of

(a) \$66,370 in annual accommodation costs presently paid to the City's Property Department.

(b) \$43,000 in charge back presently paid the Information Department.

LOCAL PLANNING DIRECTOR



Victor Abraham
Director of Local Planning - (905) 546-4224

Local Planning Branch
Planning and Development Department
71 Main Street West
Markham, Ontario
L3R 3T6
FAX: (905) 546-4242

Joanna Hickson-Evans / Manager - (905) 546-4224



City of
HAMILTON

BUILDING DEPARTMENT

71 Main Street West, Hamilton, Ontario L8N 3T4

Telephone (905) 546-2720 / Fax (905) 546-2764

FILE: 95.2.17
ATTENTION OF: L.C. King
TELEPHONE NO: (905) 546-4655

30 March 1995

Mr. J. G. Pavelka, P. Eng.
Chief Administrative Officer
City Hall

RE: PROPOSED AMALGAMATION OF PLANNING AND BUILDING DEPARTMENTS

Dear Sir:

Further to the meeting of the Planning and Development Committee on March 22, 1995 I have carried out an investigation on the concerns raised at the Committee as well as other alternatives and would provide the following comments:

The two alternatives under consideration are the integration of Planning and Building as originally proposed and Planning as a separate stand alone Department.

On March 27, 1995 I spoke with Mr. C. Hart, Manager, Professional Practice of Professional Engineers Ontario and described our combined Department proposal. I asked Mr. Hart whether there was any conflict or difficulty with a professional engineer reporting to a planner and he indicated that there was none. He indicated that he could see no reason why a professional planner could not report to a professional engineer or any other manager. Mr. Hart indicated that he had no concerns with either professional being head of the Department provided that they exhibited good management skills. Mr. Hart also indicated that the Professional Engineers Act includes a section (72(2)(F) which states that professional misconduct means:

"failure of a practitioner to present clearly to the practitioner's employer the consequences to be expected from a deviation proposed in work, if the professional engineering judgment of the practitioner is overruled by non-technical authority in cases where the practitioner is responsible for the technical adequacy of professional engineering work;"

...2



This section lays out the concerns where a professional engineer is supervised by a non professional engineer as well as the remedy. A professional engineer having to abide by the Engineers Code of Ethics would certainly be in a position to appreciate the professional integrity and ethics of another professional such as a professional planner and hence would be able to govern himself in such a way as to not put the professional planner in a position of conflict. (Attached please find a copy of the Professional Engineers Act.)

On March 27, 1995 I spoke with Ms. S. Smith, Executive Director of the Ontario Professional Planners Institute and described the combined department proposal to her and asked whether there was any problem, conflict or difficulty with a professional planner reporting to a non planner. She indicated that there was not and there was nothing in the Ontario Professional Planners Institutes' Professional Code of Conduct that would prohibit this. For your information please find a copy of the Professional Code of Conduct of the Ontario Professional Planners Institute.

On March 29, 1995 I met with Mr. M. Fenn, City of Burlington, Mr. T. Dobbie, General Manager, Development and Infrastructure Division, Mr. G. Goodman, General Manager, Community Services Division, Mr. L. DeLoyde, Acting Director of the Planning Department as well as Mr. W. Janssen, P. Mallard of the Local Planning Department and yourself. A copy of their Organization Chart is attached herewith.

We met for approximately one hour and outlined the two alternatives being suggested, the first being the Building Department and Planning integrated and the second being a stand alone Planning Department and would highlight the comments heard as follows.

The General Manager of Development and Infrastructure, Mr. T. Dobbie, who happens to be a Professional Engineer, is responsible for the budget and performance of the Development and Infrastructure Division. He does not involve himself in the professional recommendations from Planning, Engineering or Building but acts as a General Manager. The Business Affairs Division which is led by General Manager D. Brown who also acts as the City Solicitor and regulates budget and performance for the Management Information Systems, Human Resources and Economic Development divisions. Both systems seem to work whether one of the General Managers is head of an individual Department or whether the General Manager is not the head of one of the individual Departments. There also did not appear to be any concern that the General Manager of Development and Infrastructure would exert any undue influence on planning, in fact, they have a Development Committee which includes most of the Department heads who help draft policies for the city on planning issues. This ensures that the report clearly reflects all departmental concerns.

We also met with the City's Management Team on the afternoon of March 29, 1995. There was considerable discussion on the proposed amalgamation of Planning and Building Departments. There appeared to be overwhelming support of the concept of an integrated Planning and Building Department, however those opposed expressed concerns with respect to the status, the stature, the image, the professionalism and the training of the Planning division and these were their reasons for supporting the separate Planning Department. As I have already

indicated in discussions with the Professional Engineers Ontario and the Ontario Professional Planners Institute it seems to be quite common for professionals to work for non professionals and there are provisions within their Code of Ethics for this reporting mechanism. With respect to training, the Building Department is already faced with the challenge of providing numerous types of training for their building inspectors, customer service representatives, Building engineers, support staff and Managers with respect to specific technical skills, H.V.A.C, sprinklers, fire protection, structure, etc. as well as management courses. It would not seem unreasonable that a combined Department would provide similar specific training opportunities for planners.

I also heard concerns expressed at the management team about whether the savings which attribute to the amalgamation of the Planning and Building could be achieved without amalgamation of the two Departments. The Management Team has, on numerous occasions, tried to cross Departmental silos through the budget process to achieve savings but with limited success to this point. After much discussion the management team is usually forced to resort to budget cuts on a pro rata basis. Concerns were also expressed that the customer service programs and the opportunity of providing one stop shopping would not be addressed without amalgamation.

One individual in the Management Team indicated that he had reported to a number of managers with a number of different backgrounds and up to this point his professional reports have never been compromised. I think this is probably a common experience with the Management Team as I too have never had a report coming from the Building Department compromised by the two Chief Administrative Officers I have worked with.

There was also suggestions that the combined Planning and Building Department, which would envelope professional planning skills as well as engineering skills, would be able to investigate the opportunities of taking over subdivision administration with a potential of increasing the City's revenue by approximately \$ 250,000. It should also be noted that the proposed amalgamation of Planning and Building Departments will not increase the existing number of layers within the structure but would flatten the organizational structure. The Director of Local Planning presently reports to the Regional Commissioner of Planning and the Building Commissioner presently has a wide range of responsibilities from building code enforcement, zoning administration, site plan control, enforcement of Property Standards By-law, Committee of Adjustment administration, Non Profit Housing and what is being suggested is adding the responsibilities of Planning.

Another excellent suggestion coming from the management team was that all departments be based on a functional approach which would certainly be the case with the proposed Planning, Development and Building Department wherein the entire development process from an Official Plan Amendment, to a Zoning By-law change, to a Site Plan approval or subdivision approval to building permit and occupancy and finally maintenance of the building would all remain in the realm of one Department.

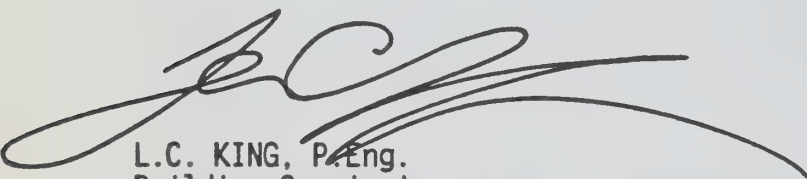
The Management Team questioned how the savings could be achieved without the amalgamation of the two Departments. Planning has suggested that they can save

\$ 66,000 a year with the existing staff carrying out all administration work. The people who are responsible for the budget and administration have remained with the Region, therefore skills might be lacking among those individuals transferred to the City.

Also no suggestion was given as to how the additional \$ 135,000 annualized savings could be achieved without the amalgamation of the two Departments.

In conclusion, after having carried out this investigation along with yourself and representatives of the Planning Department, I am of the opinion that the initial proposal of integrating Planning and Building Departments is the correct approach. This approach provides the City of Hamilton with improved customer service while at the same time saving more than \$ 200,000 on an annualized basis.

Yours truly,

A large, stylized handwritten signature in dark ink, likely belonging to L.C. King, is written over the typed name and title.

L.C. KING, P.Eng.
Building Commissioner

LCK\hmp

Enclosures

Professional Engineers Act *Loi sur les ingénieurs*

REGULATION 941

GENERAL

1. In this Regulation,

"Chapter" means a chapter established pursuant to the by-laws;

"executive director" means the executive director appointed by the Council;

"general secretary" means the general secretary appointed by the Council;

"Junior Regional Councillor" means that one of the two regional councillors from a region who is serving his or her first year of a two-year term of office;

"Member" means a member of the Association;

"practitioner" means holder of a licence, a temporary licence, a limited licence or a certificate of authorization, as the case requires;

"Professional Practice Examination" means the examination in respect of professional ethics, engineering law and such other general matters as are approved by the Council from time to time;

"Region" means a region established by this Regulation. O. Reg. 538/84, s. 1.

2. Fifteen members shall be elected to the Council as follows:

1. Thirteen members shall be elected to the Council for a two-year term of whom,

- i. three members shall be elected as councillors-at-large by and from among the Members,
- ii. two members shall be elected by and from among the Members in each of the five regions.

2. Two members shall be elected annually by and from among the Members as a president-elect and a vice-president. O. Reg. 538/84, s. 2.

3.—(1) There shall be the following additional officers of the Association:

1. The president, who is a Member and who was president-elect in the immediately preceding year.
2. A vice-president, who shall be appointed annually by Council from among its members elected or appointed under clause 3 (2) (a) or 3 (2) (b) of the Act at a meeting of Council to be held after the close of business and on the day of the annual meeting of Members or within thirty days thereafter.
3. The past president, who is a Member and who was the president in the immediately preceding year. O. Reg. 538/84, s. 3 (1).

(2) If the president is incapacitated or resigns, the office of president shall be filled by the president elect, failing that by the vice-president elected by the members, failing that by the vice-president

appointed by the Council, or failing that by a member of the Council who the Council shall appoint. O. Reg. 73/90, s. 1.

4. The following Regions are established:

1. Western Region.
2. West Central Region.
3. East Central Region.
4. Eastern Region.
5. Northern Region. O. Reg. 538/84, s. 5.

5. The area of each Region is the area described in the Schedule. O. Reg. 538/84, s. 6.

6. No person shall be elected as a member of the Council unless the person has been nominated for election in the manner prescribed in this Regulation. O. Reg. 538/84, s. 7.

7.—(1) No Member is eligible to be nominated for election as president-elect unless the Member has served for at least two full years as a member of the Council prior to the date on which the Member would take office as president-elect.

(2) No person is eligible to be nominated for election or appointment as a vice-president unless the person has served for at least one full year as a member of the Council prior to the date on which the person would take office.

(3) For the purposes of subsections (1) and (2), "full year" means a period commencing at the close of business of an annual meeting of Members and terminating at the close of business of the next following annual meeting. O. Reg. 538/84, s. 8.

8. A person elected or nominated for election as a regional councillor must, at the time of the election or nomination, reside within the Region in which the person is elected or nominated for election. O. Reg. 538/84, s. 9.

9.—(1) A regional councillor ceases to be qualified for his or her office when the regional councillor ceases to reside within the Region in which he or she was elected, in which event Council may appoint a Member who resides in the Region to serve the balance of the term of the regional councillor.

(2) A member of Council ceases to be qualified to hold his or her office when the member ceases to reside within Ontario. O. Reg. 538/84, s. 10.

10.—(1) A member of Council is not eligible for election or re-election unless the member's full term of office will have expired by the time the member would take office for a new term, or unless the member submits his or her resignation in writing, effective at the time the member would take office for the new term, to the Association prior to nomination for election or re-election.

(2) A member of Council who has been appointed by the Lieutenant Governor in Council and who is also a Member is not eligible for election unless the member's term of office will have expired by the time the member would take office for a new term, or unless the member submits his or her resignation in writing, to take effect at the time the member would take office for the new term, to the Lieutenant

and Governor in Council prior to his nomination for election. O. Reg. 538/84, s. 11.

11. No person is eligible to be elected or appointed as an officer of the Association if the person has held the office of president within the five years immediately preceding the year in which the person would hold office as a result of the election or appointment. O. Reg. 538/84, s. 12.

12.—(1) The Council shall appoint a Nominating Committee each year composed of,

- (a) the penultimate past-president;
- (b) the immediate past-president;
- (c) the president; and
- (d) two other Members.

(2) The penultimate past-president shall act as chair, unless he or she is unable or unwilling to act, in which event another member of the Nominating Committee designated by the Council shall act as chair.

(3) Meetings of the Nominating Committee shall be convened by the chair from time to time or as directed by Council and shall nominate persons for election by the Members as president-elect, vice-president and councillors-at-large.

(4) All nominations made by the Nominating Committee shall be,

- (a) forwarded by the chair to the executive director with the nominated candidates' written consent; and
- (b) forwarded by the executive director to all Members not less than one month prior to the date determined by the Council for the closing of nominations. O. Reg. 538/84, s. 13.

13.—(1) The Council shall in each year appoint a Regional Nominating Committee for each Region composed of the chair of each Chapter in the region.

(2) The Junior Regional Councillor in each Region shall act as chair of the Regional Nominating Committee for that Region and shall not be entitled to vote.

(3) If the Junior Regional Councillor is unable to act, the Regional Nominating Committee shall select a chair from among its members and the chair shall only be entitled to vote to break a tie.

(4) Meetings of a Regional Nominating Committee shall be convened as directed by the Council.

(5) A Chapter chair who is unable to attend a meeting of the Regional Nominating Committee may appoint a delegate, who must be a member of the Chapter executive, to attend the meeting and act in his or her place, and the delegate must deliver the written authorization of the Chapter chair to the chair of the meeting.

(6) A majority of Regional Nominating Committee members constitutes a quorum at any meeting of the committee.

(7) A Regional Nominating Committee shall nominate or shall otherwise ensure that at least one Member residing in the Region is nominated for election as regional councillor at each annual election of the Association.

(8) All nominations for regional councillor made by a Regional Nominating Committee shall be,

- (a) forwarded by the chair to the executive director with the nominated candidates' written consent; and

(b) forwarded by the executive director to all Members not less than one month prior to the date determined by the Council for the closing of nominations. O. Reg. 538/84, s. 14.

14.—(1) A candidate for election to the office of president-elect, vice-president or councillor-at-large may be nominated by fifty Members of whom, in the case of a nomination for president-elect or vice-president, there must be a minimum of five nominators who are residents of each Region and, in the case of a nomination for councillor-at-large, there must be a minimum of one nominator who is a resident of each Region.

(2) A candidate for election as a regional councillor for a Region may be nominated by fifteen Members who are resident in the Region.

(3) A nomination pursuant to subsection (1) or (2) must be,

- (a) forwarded to, and received by, the executive director, with the written consent of the Member nominated, not later than the date and time set by Council for the receipt of nominations in respect of the election; and
- (b) signed by all the nominators. O. Reg. 538/84, s. 15.

15. A Member nominated for election to Council must state in his or her consent to the nomination that he or she is a Canadian citizen resident in Ontario. O. Reg. 538/84, s. 16.

16. Where no more than one Member is nominated for election as president-elect, vice-president or councillor-at-large or for election as a regional councillor in any Region, the Member is elected by acclamation. O. Reg. 538/84, s. 17.

17. Except where a Member is elected by acclamation, the executive director shall prepare ballots for an election setting forth the names of the candidates for each office. O. Reg. 538/84, s. 18.

18. The executive director, or in his or her absence, the general secretary shall forward the ballots to each Member entitled to vote in respect of an election and shall forward a list of Members elected by acclamation, if any. O. Reg. 538/84, s. 19.

19.—(1) Each ballot must be returned to the executive director, the general secretary or the agent designated by the Council for the purpose on or before the date and time designated by the Council.

(2) The date mentioned in subsection (1) must be not less than twenty-eight days following the date of mailing of the ballots. O. Reg. 538/84, s. 20.

20. On or before the date designated by the Council as the last date for the receipt of ballots, the president shall appoint three returning officers who may, but need not be, Members. O. Reg. 538/84, s. 21.

21. The returning officers shall,

- (a) observe the processing of ballots to ensure that only duly marked ballots are counted;
- (b) review rejected ballots;
- (c) re-process rejected ballots found to be valid;
- (d) approve the final count of ballots;
- (e) make such other investigation and inquiry as they consider necessary or desirable for the purpose of supervising the counting of the vote; and
- (f) report the results of the vote to the executive director not later than three weeks following the date designated by the Council for the receipt of ballots. O. Reg. 538/84, s. 22.

22.—(1) The candidate receiving the greatest number of votes for an office is elected to the office.

(2) In the event of a tie, an election shall be decided by coin toss conducted by the retiring president. O. Reg. 538/84, s. 23.

23.—(1) The executive director shall give written notice of the election results, including election by acclamation,

(a) to all members of the Council; and

(b) to all persons nominated for the election,

and shall forward the results, including the number of votes cast for each candidate, to all Members prior to the date of the annual meeting of the Members next following the date of the election or the results shall be announced at the annual meeting and forwarded to all Members as soon as practicable thereafter.

(2) The Council may direct the destruction of ballots at any time after receipt by the Council of the notice mentioned in clause (1) (a). O. Reg. 538/84, s. 24.

24.—(1) The Council may close the register of Members for a period of time not exceeding twenty-one days, exclusive of Sundays and holidays, immediately preceding,

(a) a meeting of Members; and

(b) the date upon which ballots for an election are mailed to Members.

(2) Prior notice of each closing of the register of Members shall be given to all Members.

(3) During the period of time in which the register is closed, no changes of address of Members shall be recorded and no new Members shall be recorded. O. Reg. 538/84, s. 25.

25. For the purposes of eligibility for nomination, election and voting, a Member shall be deemed to reside at the address of the Member recorded in the register of Members on the day immediately preceding the date of mailing of ballots to Members in respect of the election. O. Reg. 538/84, s. 26.

26.—(1) The elected members of the Council shall take office at the close of business at the annual meeting of the Association next following their election.

(2) Members of the Council elected for a one-year term shall hold office until the close of business at the next annual meeting of the Members.

(3) Members of the Council elected for a two-year term shall hold office until the close of business at the second annual meeting of the Members following the commencement of their term of office. O. Reg. 538/84, s. 27.

27. Where there are vacancies in elected offices on the Council and no quorum remains in office, an election shall be held as soon as practicable in substantially the manner described in this Regulation for a general election. O. Reg. 538/84, s. 28.

28.—(1) The Executive Committee shall consist of,

(a) the president;

(b) the president-elect;

(c) the immediate past-president;

(d) the two vice-presidents; and

(e) one or more other members of the Council from time to time appointed by the Council.

(2) Three members of the Executive Committee, at least one of whom shall be a person named in clause (1) (a), (b) or (c), constitute a quorum. O. Reg. 538/84, s. 29.

29. The Executive Committee,

(a) may act on behalf of the Council with respect to urgent matters arising between regular meetings of the Council but shall report to the Council with respect to such actions;

(b) may consult with other committees of the Council;

(c) shall act upon or report upon matters that are referred to it by the Council;

(d) may advise the executive director or any other officer or official of the Association on matters of policy;

(e) may make periodic reviews, forecasts, plans and recommendations to the Council concerning the future organization and operation of the Association;

(f) may advise the Council on matters pertaining to the Canadian Council of Professional Engineers; and

(g) may advise the Council on all financial matters, including, without limitation, investments, budgets, capital requirements, income, expenditures, salaries, reserves and contingencies or extraordinary expenses, both for current and future operations. O. Reg. 538/84, s. 30.

30.—(1) The Fees Mediation Committee is continued. O. Reg. 538/84, s. 31 (1), *revised*.

(2) The Council shall, from time to time, designate Members as eligible to act as members of the Fees Mediation Committee.

(3) Where a written complaint is received under section 32 of the Act, the Registrar shall select not less than three and not more than four eligible Members to serve on the Fees Mediation Committee with respect to such complaint.

(4) The Committee shall review the complaint and determine whether it is appropriate to mediate the complaint, and if so, whether the mediation should be conducted by one, two, three or four members of the Committee so selected and which of the members should conduct the mediation, which number and members shall then constitute the Committee. O. Reg. 538/84, s. 31 (2-4).

31.—(1) Where, pursuant to subsection 32 (3) of the Act, all parties to a dispute consent to arbitration by the Fees Mediation Committee by filing with the Registrar a consent in writing signed by all of the parties to the dispute, this section shall apply.

(2) Each of the parties to the dispute shall prepare and submit to the Registrar a brief written outline of the dispute within ten days following the date of the filing of the consent referred to in subsection (1) or such longer period as may be determined by the Registrar.

(3) The Registrar shall then select three Members to serve as the Fees Mediation Committee with respect to the dispute and the Committee may arbitrate the dispute on terms and conditions acceptable to it. O. Reg. 538/84, s. 32.

32.—(1) The Registration Committee is continued and shall be composed of,

(a) not less than two members of the Council appointed by the Lieutenant Governor in Council; and

(b) not less than three additional Members appointed by the Council. O. Reg. 538/84, s. 33 (1), *revised*.

(2) Three members of the Registration Committee, of whom at

least one is a member of Council appointed by the Lieutenant Governor in Council, constitute a quorum. O. Reg. 538/84, s. 33 (2).

33.—(1) Each applicant for a licence shall,

(a) demonstrate,

(i) that he or she has earned a bachelor's degree in an engineering program from a Canadian university that is accredited to the satisfaction of the Council, or

(ii) that he or she has equivalent engineering educational qualifications recognized by the Council;

(b) demonstrate twenty-four months of experience following the conferring of a degree or the completion of equivalent engineering education, as the case may be, in the practice of professional engineering that will provide sufficient experience to enable the applicant to meet the generally accepted standards of practical skill required to engage in the practice of professional engineering; and

(c) successfully complete the Professional Practice Examination.

(2) Twelve months of the experience mentioned in clause (1) (b) must be experience in Canada under the supervision of one or more persons legally authorized to engage in the practice of professional engineering in the jurisdiction in which the experience was acquired. O. Reg. 538/84, s. 34 (1, 2).

(3) The Council, in circumstances where it considers it in the public interest to do so, may vary or waive the requirement in subsection (2) as to twelve months of experience in Canada. O. Reg. 538/84, s. 34 (4).

34. Examinations required by the Academic Requirements Committee shall be held prior to the 1st day of June in each year and at such other times, if any, and at such place or places, as the Council may from time to time determine. O. Reg. 538/84, s. 35.

35. The Registrar is responsible for arranging for the holding of examinations, including the selection of time and examination centres. O. Reg. 538/84, s. 36.

36.—(1) In this section, "academic year" means the period commencing the 1st day of September in a year and ending the 31st day of August in the next following year.

(2) An applicant for a licence shall write the examination, if only one, or the first examination, if more than one, within the two academic years immediately following the date of issue of the notice to the applicant by the Registrar setting forth the examination requirements that the applicant is required to satisfy.

(3) All examinations must be successfully completed within eight academic years after the date of notification referred to in subsection (2).

(4) If an applicant for a licence,

(a) fails to appear at the time and place set for an examination without reasonable justification submitted in writing; or

(b) fails to satisfy all examination requirements within the times referred to in subsections (2) and (3),

the applicant's application for a licence shall be withdrawn by the Registrar.

(5) An applicant who has failed to successfully complete an examination set or approved by the Council is not entitled, except with the permission of the Academic Requirements Committee, to

take the examination again and the applicant's application for a licence shall be withdrawn by the Registrar.

(6) A thesis, if required to be submitted by an applicant for a licence, shall be written and submitted not later than two years following the date of completion of all examinations other than the Professional Practice Examination required to be fulfilled by the applicant.

(7) Where an applicant who is required by the Academic Requirements Committee to take and pass more than one examination fails to take at least one examination in each academic year after taking the first of such examinations, the Registrar shall withdraw the applicant's application for a licence unless the applicant submits to the Registrar reasonable justification in writing for the failure to take the examination. O. Reg. 538/84, s. 37.

37. An applicant for a licence must pass the Professional Practice Examination not later than two years following the later of,

(a) the date of submission of the application for membership by the applicant to the Registrar; and

(b) the date of successful completion of all other examination requirements (other than the writing of a thesis, if required) or the final determination that no examination or thesis is required. O. Reg. 538/84, s. 38.

38.—(1) All examinations, other than the Professional Practice Examination, shall be marked on a percentage basis by examiners appointed by the Registrar in accordance with policies established from time to time by the Council.

(2) In no event shall a passing mark be determined to be less than 50 per cent.

(3) The Professional Practice Examination may be marked on a pass or fail basis and shall be marked by examiners appointed by the Registrar in accordance with policies established from time to time by the Council. O. Reg. 538/84, s. 39.

39. The results of each examination shall be mailed not later than forty-five working days following the writing of the examination to each candidate who wrote the examination. O. Reg. 538/84, s. 40.

40.—(1) The Academic Requirements Committee is continued and shall be composed of a chair appointed by Council, the immediate past chair, if any, and such other Members as are appointed by the Council and three members of the Committee constitute a quorum. O. Reg. 538/84, s. 41 (1), revised.

(2) Where an application for the issuance of a licence, temporary licence or limited licence is referred to the Academic Requirements Committee pursuant to the Act, the Committee shall,

(a) assess the academic qualifications of the applicant;

(b) determine whether the applicant meets the academic qualifications prescribed by this Regulation and so advise the Registrar; and

(c) make such recommendations to the Registrar as it considers necessary in respect of examinations and any other academic requirements which must be completed by the applicant in the event that the Committee determines that the applicant does not meet the prescribed academic qualifications.

(3) For the purpose of carrying out its duties in subsection (2), the Academic Requirements Committee,

(a) shall review the education, experience and other qualifications of the applicant in the light of the academic standards established for the issuance of licences, temporary licences

or limited licences, as the case requires, at the time of such review;

- (b) may, in the discretion of the Committee and on its own initiative, interview the applicant;
- (c) may refer the experience of an applicant to the Experience Requirements Committee for an assessment and recommendation as to how such experience should be taken into account in assigning examinations to the applicant; and
- (d) shall consider and decide upon the form and content of examinations recommended and the results of such examinations. O. Reg. 538/84, s. 41 (2, 3).

41.—(1) The Experience Requirements Committee is continued and shall be composed of a chair appointed by Council, the immediate past chair, if any, and such other Members as are appointed by the Council, and three members of the Committee constitute a quorum. O. Reg. 538/84, s. 42 (1), revised.

(2) Where an application for the issuance of a licence, temporary licence or limited licence is referred to the Experience Requirements Committee pursuant to the Act, the Committee shall,

- (a) assess the experience qualifications of the applicant; and
- (b) determine whether the applicant meets the experience requirements prescribed by this Regulation and so advise the Registrar.

(3) For the purpose of carrying out its duties, the Experience Requirements Committee may, in the discretion of the Committee and on its own initiative, interview the applicant.

(4) The Committee shall interview the applicant if there is a question raised with respect to the ability of the applicant to communicate adequately in the English language. O. Reg. 538/84, s. 42 (2-4).

42.—(1) Every temporary licence must specify,

- (a) the works, facilities, machinery, equipment or other property in Ontario to which the temporary licence relates;
- (b) the name of the person, firm or corporation by whom the holder of the temporary licence is employed or engaged to perform services in Ontario within the practice of professional engineering;
- (c) the name of the Member, if any, with whom collaboration is required under this Regulation; and
- (d) the period of time, not exceeding twelve months, for which the temporary licence has been issued.

(2) It is a condition of every temporary licence that the services within the practice of professional engineering that may be provided by the holder of the temporary licence are limited to the services specified in the temporary licence. O. Reg. 538/84, s. 43.

43. The requirements and qualifications for the issuance of a temporary licence are payment of the fee for the temporary licence and one of the following:

1. Residence in a province or territory of Canada other than Ontario and membership in an association of professional engineers in another province or territory of Canada that has objects similar to the objects of the Association and that requires qualifications for membership at least equal to the qualifications required for the issuance of a licence to engage in the practice of professional engineering in Ontario.
2. Qualifications at least equal to the qualifications required

for the issuance of a licence to engage in the practice of professional engineering in Ontario.

3. Wide recognition in the field of the practice of professional engineering in respect of which the work to be undertaken under the temporary licence relates and not less than ten years experience in such field. O. Reg. 538/84, s. 44.

44.—(1) It is a term and condition of every temporary licence that the holder of the temporary licence must collaborate with a Member in the practice of professional engineering in respect of the work undertaken under the temporary licence unless the holder,

- (a) is a member of an association of professional engineers in another province or territory of Canada that has objects similar to the objects of the Association and that requires qualifications for membership at least equal to the qualifications required for the issuance of a licence under this Act;
- (b) provides evidence that the holder has qualifications at least equal to the qualifications required for the issuance of a licence under this Act and that the holder is knowledgeable about all codes, standards and laws relevant to the work undertaken under the temporary licence;
- (c) provides evidence of wide recognition in the field of the practice of professional engineering relevant to the work undertaken under the temporary licence and that the holder is knowledgeable about all codes, standards and laws relevant to the work undertaken under the temporary licence; or
- (d) is performing the work outside Ontario and that work is undertaken under the temporary licence to satisfy a requirement under an Act of Ontario other than the *Professional Engineers Act*. O. Reg. 538/84, s. 45 (1); O. Reg. 73/90, s. 2.

(2) It is a term and condition of every temporary licence held by a person who must collaborate with a Member that the holder of the temporary licence must not issue a final drawing, specification, plan, report or other document unless the Member has signed, dated and affixed the Member's seal thereto. O. Reg. 538/84, s. 45 (2).

45. The following conditions apply to every limited licence:

1. The practice of professional engineering by the holder of the limited licence must be limited to the services specified in the limited licence.
2. The practice of professional engineering by the holder of the limited licence must be limited to work in the employ of the employer named in the limited licence.
3. When the holder of the limited licence ceases to be employed by the employer named in the limited licence, the holder must notify the Registrar and return to the Registrar the limited licence and the seal issued to the holder. O. Reg. 538/84, s. 46.

46. The requirements and qualifications for the issuance of a limited licence are:

1. One or more of the following:
 - i. A three-year diploma in engineering technology or a Bachelor of Technology degree in engineering technology from an institution approved by the Council.
 - ii. A four-year honours science degree in a discipline and from a university approved by the Council.
 - iii. Academic qualifications accepted by the Council as equivalent to a diploma or degree mentioned in subparagraph i or ii.

2. Thirteen years of experience in engineering work acceptable to the Council, including the years spent in obtaining the post-secondary academic training referred to in paragraph 1 with at least one year of such experience under the supervision and direction of a Member or Members or under the supervision of a person authorized to practice professional engineering in the province or territory in Canada in which the experience was acquired and at least the last two years of the experience in the services within the practice of professional engineering with respect to which the limited licence is to apply.

3. Payment of the fee prescribed by this Regulation for a limited licence.

4. Successful completion of the Professional Practice Examination.

5. Good character.

6. In the case of an applicant for a limited licence who has not previously held a limited licence, at least the last year of the experience referred to in paragraph 2 must have been with the present employer.

7. A holder of a limited licence who returns the limited licence and related seal to the Registrar and who again becomes employed is entitled to be issued a new limited licence and related seal limited to the services specified in the previous limited licence. O. Reg. 538/84, s. 47.

47. The requirements and qualifications for the issuance of a certificate of authorization are:

1. The applicant must designate, as the person or persons who will assume responsibility for and supervise the services to be provided by the applicant within the practice of professional engineering, one or more Members or holders of temporary licences each of whom has at least five years of professional engineering experience following the conferral of a degree described in subclause 33 (1) (a) (i) or the completion of an equivalent engineering education.

2. The application for the certificate of authorization must state that the persons named in paragraph 1 are,

- i. the applicant for the certificate of authorization,
- ii. employees of the applicant,
- iii. partners in the applicant, or
- iv. employees of partners in the applicant,

and will devote sufficient time to the work of the applicant to carry out the responsibilities set out in paragraph 1.

3. The applicant must certify in a form that will be supplied by the Registrar that,

- i. the applicant is insured against professional liability in accordance with subsection 74 (1),
- ii. the applicant is participating in the Indemnity Plan of the Ontario Association of Architects in accordance with clause 74 (2) (a) and the applicant's practice is limited to professional activities covered by that Plan,
- iii. the applicant has other insurance in accordance with clause 74 (2) (b),
- iv. the applicant is not required to have professional liability insurance because any such insurance would be

in respect of pollution hazards, nuclear hazards, aviation hazards or shipping hazards, or

v. the applicant will comply with section 74 in the manner provided by that section by notifying each person to whom the applicant intends to provide professional engineering services that the applicant is not insured in accordance with the minimum requirements of that section. O. Reg. 538/84, s. 48; O. Reg. 71/89, s. 1; O. Reg. 72/89, s. 1; O. Reg. 73/90, s. 3.

48.—(1) A natural person, partnership or corporation that desires a certificate of authorization shall submit an application in the form that shall be provided by the Registrar containing,

- (a) the names and addresses of the natural person, all partners, or all officers and directors, as the case may be, of the applicant;
- (b) the names of the natural person, partners or employees, as the case may be, who hold licences or temporary licences and who will assume responsibility for and supervise the services provided that are within the practice of professional engineering on its behalf;

(c) the certificate of a person named in clause (b) certifying,

- (i) that the information contained in the application is true and correct, and
- (ii) in the case of an application for a general certificate of authorization, that the primary function of the applicant is or will be to provide services in the practice of professional engineering to the public.

(2) The information listed in subsection (1) shall be noted on the registers maintained by the Registrar.

(3) The Council may publish the information referred to in subsection (2) from time to time. O. Reg. 538/84, s. 49.

49.—(1) Subject to earlier expiry under subsection (2), a certificate of authorization,

- (a) is valid from the date of issue and expires one year after the last day of the month in which the certificate was issued; and
- (b) is renewable on the date of expiry, subject to subsection 15 (8) of the Act.

(2) Where the natural person, partners or employees named in an application for a certificate of authorization are all holders of temporary licences, a certificate of authorization issued in respect of the application expires on the latest date of expiry of the last to expire of such temporary licences. O. Reg. 538/84, s. 50.

50.—(1) Every practitioner shall give to the Registrar written notice of any change in the information set out in the application for the licence, temporary licence, limited licence or certificate of authorization held by the practitioner or set out in any notice previously given to the Registrar by the practitioner.

(2) The notice mentioned in subsection (1) must be given to the Registrar within thirty days after the change occurs.

(3) Where a notice of change is filed by a holder of a certificate of authorization, a person who is named in the application for the certificate of authorization or in a notice of change related thereto as a person who assumed responsibility shall certify that the information contained in the notice of change last filed is true and correct. O. Reg. 538/84, s. 51.

51. The following qualifications and requirements are prescribed

for the reinstatement of a licence or limited licence that was cancelled for non-payment of fees or for the reinstatement of the licence of a Member who resigned:

1. Payment of fees owing by the applicant to the Association at the time the applicant ceased to be a licensee or limited licensee and payment of the fees for the current year together with the additional fees payable with respect to the reinstatement.

2. Production of evidence of good character. O. Reg. 538/84, s. 52.

52.—(1) Every Member shall have a seal of a design approved by the Council, the impression of which shall include,

- (a) the surname and initials or given names of the Member; and
- (b) the words "Licensed Professional Engineer" and "Ontario". O. Reg. 538/84, s. 53 (1); O. Reg. 809/84, s. 3.

(2) Where a Member's seal was issued prior to the 1st day of September, 1984, the word "Registered" may appear in place of the word "Licensed" on the seal. O. Reg. 538/84, s. 53 (2), revised.

(3) Every holder of a temporary licence shall have a seal of a design approved by the Council, the impression of which shall include,

- (a) the surname and initials of the holder of the temporary licence;
- (b) the words "Temporary Licensee" and "Association of Professional Engineers of Ontario";
- (c) the temporary licence number;
- (d) the date of expiry; and
- (e) a statement of the limitations on the temporary licence that may affect the public. O. Reg. 538/84, s. 53 (3).

(4) Every holder of a limited licence shall have a seal of a design approved by the Council, the impression of which shall include,

- (a) the surname and initials of the holder of the limited licence;
- (b) the words "Limited Licensee" and "Association of Professional Engineers of Ontario";
- (c) the limited licence number;
- (d) a statement that the licence is limited to the services within the practice of professional engineering mentioned in the limited licence;
- (e) the name of the employer of the holder; and
- (f) a statement of the limitations on the limited licence that may affect the public. O. Reg. 538/84, s. 53 (4); O. Reg. 73/90, s. 4.

53. Every holder of a licence, temporary licence or limited licence who provides to the public a service that is within the practice of professional engineering shall sign, date and affix the holder's seal to every final drawing, specification, plan, report or other document prepared or checked by the holder as part of the service before it is issued. O. Reg. 538/84, s. 54.

54. Every person whose licence, temporary licence, limited licence or certificate of authorization is suspended or revoked and every partnership whose certificate of authorization is suspended or revoked shall forthwith deliver it to the Registrar together with the

person's or partnership's related seal and the certificate, if any, designating the person as a specialist or a consulting engineer. O. Reg. 538/84, s. 55.

55. Every person who resigns from the Association and every person or partnership who surrenders a temporary licence, limited licence or certificate of authorization shall forthwith deliver to the Registrar the person's or partnership's licence, temporary licence, limited licence or certificate of authorization together with the related seal and the certificate, if any, designating the person as a specialist or a consulting engineer. O. Reg. 538/84, s. 56.

56.—(1) The Council shall designate as a consulting engineer every applicant for the designation who,

- (a) is a Member;
- (b) is currently engaged, and has been continuously engaged, for not less than two years or such lesser period as may be approved by the Council, in the independent practice of professional engineering in the Province of Ontario;
- (c) has had five or more years of experience that is satisfactory to the Council and that is in excess of the minimum requirements to become a Member at the time of such application; and
- (d) has passed the examinations prescribed by the Council or has been exempted therefrom, pursuant to subsection (2).

(2) The Council may exempt an applicant from any of the examinations mentioned in clause (1) (d) where the Council is of the opinion that the applicant has appropriate qualifications. O. Reg. 538/84, s. 70.

57.—(1) Designation as a consulting engineer expires five years from the date of issuance of notice of the designation.

(2) The Council shall redesignate as a consulting engineer every applicant who,

- (a) is a Member;
- (b) is currently engaged in the independent practice of professional engineering in the Province of Ontario; and
- (c) has during the five years since the date of issue of the applicant's most recent designation as a consulting engineer had professional engineering experience satisfactory to the Council. O. Reg. 538/84, s. 71.

58. The Registrar, upon the granting or refusing of an application for a designation or redesignation shall mail forthwith to the applicant a notice stating,

- (a) that the applicant has or has not been granted a designation or redesignation as a consulting engineer, as the case may be; and
- (b) in the case of a refusal to grant the designation or redesignation, the reasons therefor. O. Reg. 538/84, s. 72.

59. A Member who has been designated or redesignated as a consulting engineer may use the title "consulting engineer" or a variation thereof approved by Council from time to time so long as the Member is in the independent practice of professional engineering and the designation or redesignation is valid. O. Reg. 538/84, s. 73.

60. For the purpose of this Regulation, a Member shall be deemed to be in the independent practice of professional engineering if the Member,

- (a) holds a certificate of authorization and is primarily engaged in offering or providing services within the practice of professional engineering to the public; or

(b) is a partner in or employee of a holder of a certificate of authorization, is designated in the application for the certificate as a person who will assume responsibility for and supervise the services of the holder that are within the practice of professional engineering and is primarily engaged in offering or providing, on behalf of the holder, services within the practice of professional engineering to the public. O. Reg. 538/84, s. 5.

61.—(1) The Consulting Engineer Designation Committee is continued. O. Reg. 538/84, s. 75 (1), revised.

(2) The Consulting Engineer Designation Committee may make recommendations to the Council in respect of all matters relating to applications for designation as a consulting engineer including, without limitation,

- (a) the standards to be applied;
- (b) procedures for and the form and content of examinations;
- (c) the qualifications of applicants;
- (d) the exemption of applicants from examinations; and
- (e) the length of time engaged in independent practice required. O. Reg. 538/84, s. 75 (2).

62.—(1) The Consulting Engineer Designation Committee shall consist of a chair, vice-chair and such other Members as are appointed by the Council.

(2) A majority of the members of the Consulting Engineer Designation Committee must be designated consulting engineers.

(3) The Consulting Engineer Designation Committee may, from time to time, appoint one or more subcommittees to assist it in carrying out any of its functions and to make recommendations to it with respect thereto.

(4) The majority of the members of a subcommittee of the Consulting Engineer Designation Committee must be designated consulting engineers.

(5) The chair of a subcommittee of the Consulting Engineer Designation Committee must be a member of the Consulting Engineer Designation Committee. O. Reg. 538/84, s. 76.

63. An applicant for designation as a consulting engineer shall, if requested, appear personally before the Council or the Consulting Engineer Designation Committee or a subcommittee thereof. O. Reg. 538/84, s. 77.

64.—(1) Where the Council has refused an application for designation as a consulting engineer, the applicant may, within thirty days of the date of receipt of notice of the refusal, request that the Council reconsider the application together with such additional information as is submitted by the applicant.

(2) Upon receipt of a request from an applicant pursuant to subsection (1), the Council shall reconsider the application, taking into account the additional information, if any, submitted by the applicant with the request.

(3) Upon the reconsideration, the Council may make findings of fact by such standards of proof as are commonly relied upon by reasonable and prudent persons in the conduct of their own affairs and may refer the matter to and accept recommendations from such holders of licences or committee of holders of licences as it considers appropriate in the circumstances. O. Reg. 538/84, s. 78.

65. The Registrar upon the granting or refusing of an application for reconsideration of an application for designation or redesignation shall mail forthwith to the applicant a notice stating,

- (a) that the prior refusal of designation or redesignation as a consulting engineer has been confirmed or that the application for designation or redesignation as a consulting engineer has been granted, as the case may be; and
- (b) in the case of a confirmation of a refusal to grant the designation or redesignation, the reasons therefor. O. Reg. 538/84, s. 79.

66. An applicant for designation or redesignation as a consulting engineer who has been refused the designation by Council is not entitled to reapply therefor for a period of twelve months after,

- (a) the date of receipt of notice of the refusal of the Council; or
- (b) in the case of a reconsideration by the Council, the date of receipt of notice of the refusal of the Council upon the reconsideration. O. Reg. 538/84, s. 80.

67. Only a Member designated by the Council may use the title "consulting engineer" or a variation thereof approved by the Council from time to time. O. Reg. 538/84, s. 81.

68. A holder of a certificate of authorization who is primarily engaged in offering to the public services within the practice of professional engineering and who satisfies the Council that the practice of professional engineering by the holder is and will be carried on under the responsibility and supervision of a designated consulting engineer named in the application for the certificate of authorization or in a related notice of change filed with the Registrar may use the title "consulting engineers" or a variation approved by Council from time to time. O. Reg. 538/84, s. 82.

69. A holder of a certificate of authorization ceases to be entitled to use the title "consulting engineers" or a variation thereof approved by the Council when there ceases to be a designated consulting engineer who assumes responsibility for and supervises the practice of professional engineering provided by the holder of the certificate of authorization or when the holder ceases to be primarily engaged in offering to the public services within the practice of professional engineering. O. Reg. 538/84, s. 83.

70. A designated consulting engineer who ceases to be responsible for and to supervise the practice of professional engineering by a partnership or a corporation shall give notice of the cessation forthwith to the Registrar. O. Reg. 538/84, s. 84.

71. The Council may cause to be published from time to time a listing of Members designated as consulting engineers and of holders of certificates of authorization entitled to use the title "consulting engineers" or a variation thereof. O. Reg. 538/84, s. 85.

72.—(1) In this section, "negligence" means an act or an omission in the carrying out of the work of a practitioner that constitutes a failure to maintain the standards that a reasonable and prudent practitioner would maintain in the circumstances.

(2) For the purposes of the Act and this Regulation, "professional misconduct" means,

- (a) negligence;
- (b) failure to make reasonable provision for the safeguarding of life, health or property of a person who may be affected by the work for which the practitioner is responsible;
- (c) failure to act to correct or report a situation that the practitioner believes may endanger the safety or the welfare of the public;
- (d) failure to make responsible provision for complying with applicable statutes, regulations, standards, codes, by-laws and rules in connection with work being undertaken by or under the responsibility of the practitioner;

(e) signing or sealing a final drawing, specification, plan, report or other document not actually prepared or checked by the practitioner;

(f) failure of a practitioner to present clearly to the practitioner's employer the consequences to be expected from a deviation proposed in work, if the professional engineering judgment of the practitioner is overruled by non-technical authority in cases where the practitioner is responsible for the technical adequacy of professional engineering work;

(g) breach of the Act or regulations, other than an action that is solely a breach of the code of ethics;

(h) undertaking work the practitioner is not competent to perform by virtue of the practitioner's training and experience;

(i) failure to make prompt, voluntary and complete disclosure of an interest, direct or indirect, that might in any way be, or be construed as, prejudicial to the professional judgment of the practitioner in rendering service to the public, to an employer or to a client, and in particular, without limiting the generality of the foregoing, carrying out any of the following acts without making such a prior disclosure:

1. Accepting compensation in any form for a particular service from more than one party.

2. Submitting a tender or acting as a contractor in respect of work upon which the practitioner may be performing as a professional engineer.

3. Participating in the supply of material or equipment to be used by the employer or client of the practitioner.

4. Contracting in the practitioner's own right to perform professional engineering services for other than the practitioner's employer.

5. Expressing opinions or making statements concerning matters within the practice of professional engineering of public interest where the opinions or statements are inspired or paid for by other interests;

(j) conduct or an act relevant to the practice of professional engineering that, having regard to all the circumstances, would reasonably be regarded by the engineering profession as disgraceful, dishonourable or unprofessional;

(k) failure by a practitioner to abide by the terms, conditions or limitations of the practitioner's licence, limited licence, temporary licence or certificate;

(l) failure to supply documents or information requested by an investigator acting under section 34 of the Act;

(m) permitting, counselling or assisting a person who is not a practitioner to engage in the practice of professional engineering except as provided for in the Act or the regulations. O. Reg. 538/84, s. 86.

73. Documents, other than decisions, of the Discipline Committee may be signed by the Registrar or a deputy registrar on behalf of the Committee. O. Reg. 538/84, s. 87.

74.—(1) Subject to subsection (2), a holder of a certificate of authorization must be insured against professional liability under a policy of professional liability insurance which complies with the following minimum requirements:

1. A policy limit for each single claim of not less than \$250,000 and either an aggregate policy limit for all claims of not less than \$500,000 per year or an automatic policy limit reinstatement feature.

2. A maximum deductible amount under the policy of the greater of \$5,000 or 5 per cent of the annual fees the holder billed in the twelve months immediately before the issuance of the policy.

3. Coverage for liability for errors, omissions and negligent acts arising out of the performance of all services within the practice of professional engineering offered or provided to the public by the insured subject to such exclusions and conditions and otherwise on such terms as are consistent with normal insurance industry practice from time to time.

4. A provision that neither party may cancel or amend the policy of insurance in a way that results in non-compliance with this Regulation without first giving the other party at least forty-five days written notice or, in the event of non-payment of premiums, fifteen days written notice.

5. The insurance must be placed with an insurer with an aggregate capital and surplus of at least \$20,000,000 or an underwriter or syndicate of underwriters operating on the plan known as Lloyds. O. Reg. 72/89, s. 2, *per*; O. Reg. 73/90, s. 6.

(2) A holder of a certificate of authorization is not required to be insured against professional liability under subsection (1) if,

(a) the holder is participating in the Indemnity Plan of the Ontario Association of Architects and the holder's practice is limited to professional activities covered by that Plan;

(b) substantially all claims arising out of the service performed within the practice of professional engineering would be covered by other insurance whose terms of coverage are not materially less than the minimum requirements under subsection (1);

(c) the professional liability insurance would be in respect of pollution hazards, nuclear hazards, aviation hazards or shipping hazards; or

(d) before entering into an agreement to provide professional engineering services, the holder notifies each person to whom the holder intends to provide professional engineering services that the holder is not insured in accordance with the minimum requirements of this section and receives from each such person written authority to provide these services without that insurance.

(3) The notice under clause (2) (d),

(a) shall include a statement that the regulation under the *Professional Engineers Act* requires the holder to notify any person to whom professional engineering services are to be provided if the holder is not insured for professional liability in accordance with the minimum requirements of that regulation;

(b) shall include a statement to be signed by the person to whom the services are to be provided that the person understands that the holder is not so insured; and

(c) shall prominently display the following statement above the statement referred to in clause (b):

"The undersigned hereby advises you that the undersigned is not insured for professional liability in accordance with the minimum requirements of Regulation 941 of Revised Regulations of Ontario, 1990 made under the *Professional Engineers Act*". O. Reg. 72/89, s. 2, *per*.

75. A Member or holder of a temporary licence, a limited licence or a certificate of authorization may advertise only,

(a) in a professional and dignified manner;

- (b) in a factual manner without exaggeration;
- (c) in a manner that does not directly or indirectly criticize a Member or holder or an employer of a Member or holder; and
- (d) without reference to or use of the professional seal of the Member or holder or the seal of the Association. O. Reg. 538/84, s. 89.

76.—(1) Where the Council establishes a committee to prepare or assigns to a committee the preparation of a schedule of suggested fees, the committee must be composed of approximately equal numbers of Members involved in providing engineering services to the public and Members involved in purchasing such services.

(2) The committee shall prepare and recommend to the Council a schedule of suggested fees for professional engineering services.

(3) A schedule of suggested fees that is approved by the Council shall be published by the Association.

(4) A schedule of suggested fees that is approved by the Council shall be reviewed annually by the committee and amendments to the schedule that are recommended by the committee and approved by the Council shall be published by the Association.

(5) The committee shall receive and consider recommendations submitted to it by Members and by the public and may consider salary surveys conducted from time to time by the Association or others. O. Reg. 538/84, s. 90.

77. The following is the Code of Ethics of the Association:

1. It is the duty of a practitioner to the public, to the practitioner's employer, to the practitioner's clients, to other members of the practitioner's profession, and to the practitioner to act at all times with,

- i. fairness and loyalty to the practitioner's associates, employers, clients, subordinates and employees,
- ii. fidelity to public needs, and
- iii. devotion to high ideals of personal honour and professional integrity.

2. A practitioner shall,

- i. regard the practitioner's duty to public welfare as paramount,
- ii. endeavour at all times to enhance the public regard for the practitioner's profession by extending the public knowledge thereof and discouraging untrue, unfair or exaggerated statements with respect to professional engineering,
- iii. not express publicly, or while the practitioner is serving as a witness before a court, commission or other tribunal, opinions on professional engineering matters that are not founded on adequate knowledge and honest conviction,
- iv. endeavor to keep the practitioner's licence, temporary licence, limited licence or certificate of authorization, as the case may be, permanently displayed in the practitioner's place of business.

3. A practitioner shall act in professional engineering matters for each employer as a faithful agent or trustee and shall regard as confidential information obtained by the practitioner as to the business affairs, technical methods or processes of an employer and avoid or disclose a conflict of

interest that might influence the practitioner's actions or judgment.

4. A practitioner must disclose immediately to the practitioner's client any interest, direct or indirect, that might be construed as prejudicial in any way to the professional judgment of the practitioner in rendering service to the client.

5. A practitioner who is an employee-engineer and is contracting in the practitioner's own name to perform professional engineering work for other than the practitioner's employer, must provide the practitioner's client with a written statement of the nature of the practitioner's status as an employee and the attendant limitations on the practitioner's services to the client, must satisfy the practitioner that the work will not conflict with the practitioner's duty to the practitioner's employer, and must inform the practitioner's employer of the work.

6. A practitioner must co-operate in working with other professionals engaged on a project.

7. A practitioner shall,

- i. act towards other practitioners with courtesy and good faith,
- ii. not accept an engagement to review the work of another practitioner for the same employer except with the knowledge of the other practitioner or except where the connection of the other practitioner with the work has been terminated,
- iii. not maliciously injure the reputation or business of another practitioner,
- iv. not attempt to gain an advantage over other practitioners by paying or accepting a commission in securing professional engineering work, and
- v. give proper credit for engineering work, uphold the principle of adequate compensation for engineering work, provide opportunity for professional development and advancement of the practitioner's associates and subordinates, and extend the effectiveness of the profession through the interchange of engineering information and experience.

8. A practitioner shall maintain the honour and integrity of the practitioner's profession and without fear or favour expose before the proper tribunals unprofessional, dishonest or unethical conduct by any other practitioner. O. Reg. 538/84, s. 91.

78. The following are prescribed as performance standards with respect to the general review of the construction, enlargement or alteration of a building by a professional engineer as provided for in the building code made under the *Building Code Act*:

1. The professional engineer, with respect to the matters that are governed by the building code, shall,

- i. make periodic visits to the site to determine, on a rational sampling basis, whether the work is in general conformity with the plans and specifications for the building,
- ii. record deficiencies found during site visits and provide the client, the contractor and the owner with written reports of the deficiencies and the actions that must be taken to rectify the deficiencies,
- iii. review the reports of independent inspection and testing companies called for in the plans and speci-

cations and which pertain directly to the work being reviewed,

iv. interpret plans and specifications when requested to do so by the client, contractor or owner, and

v. review shop drawings and samples submitted by the contractor for consistency with the intent of the plans and specifications.

2. The professional engineer shall not review work in disciplines in which the professional engineer is not qualified.

3. The professional engineer may delegate one or more of the functions described in paragraph 1 to another person where it is consistent with prudent engineering practice to do so and the functions are performed under the supervision of the professional engineer.

4. In paragraph 1, "plans and specifications" means a plan or other document which formed the basis for the issuance of a building permit and includes all changes thereto that were authorized by the chief official as defined in the *Building Code Act*. O. Reg. 421/86, s. 1.

79. In the event of an interruption in postal service, the council may take such steps as it considers appropriate including, without limitation,

(a) the extension, for such periods as it considers reasonable in the circumstances, of any time periods set forth in this Regulation; and

(b) the use of such alternate means of communication as it considers appropriate in the circumstances. O. Reg. 538/84, s. 92.

80.—(1) The application fee for registration as a holder of a licence is \$150.

(2) The registration fee for applicants or applicants for reinstatement whose application is accepted is \$150. O. Reg. 365/87, s. 1.

81. The fee for an engineer-in-training to be recorded in the register is \$50 for each year or part thereof while so recorded. O. Reg. 538/84, s. 94.

82.—(1) The application fee for registration as a holder of a temporary licence is \$250 for an applicant applying under paragraph 1 of section 43.

(2) The application fee for registration as a holder of a temporary licence is \$500 for an applicant applying under paragraph 2 or 3 of section 43. O. Reg. 365/87, s. 2.

83.—(1) The application fee for registration as a holder of a limited licence is \$100.

(2) The registration fee for an applicant for registration as a holder of a limited licence whose application is accepted is \$100.

(3) The annual fee for a limited licence is \$75. O. Reg. 538/84, s. 96.

84.—(1) The application fee for registration as a holder of a certificate of authorization is \$50.

(2) The annual fee for a certificate of authorization is \$75.

(3) The fee for each replacement certificate of authorization issued is \$20. O. Reg. 538/84, s. 97.

85. The fees for writing examinations required in respect of each application are as follows:

(a) the examination fee for the first examination written by an applicant, other than the Professional Practice Examination, is \$350;

(b) the examination fee for each subsequent examination and the rewriting of an examination previously failed is \$100;

(c) the fee to be paid upon submission of a thesis is \$150; and

(d) the fee for writing or rewriting the Professional Practice Examination is \$85,

all of which are non-refundable. O. Reg. 538/84, s. 98; O. Reg. 365/87, s. 3; O. Reg. 73/90, s. 7.

86.—(1) The application fee for designation as a consulting engineer is \$125.

(2) The fee for designation as a consulting engineer is \$125 for the period of designation.

(3) The application fee for redesignation as a consulting engineer is \$125. O. Reg. 365/87, s. 4.

(4) The fee for each examination required in support of an application for designation as a consulting engineer is \$75.

(5) The application fee for permission to use the term "consulting engineers" is \$15. O. Reg. 538/84, s. 99 (4, 5).

87. The Council may from time to time determine and establish the dates on which fees payable to the Association are due. O. Reg. 538/84, s. 101.

Schedule

References to "Electoral Districts" and the boundaries of Electoral Districts refer to Electoral Districts of Ontario as such Electoral Districts are described in *The Representation Act, 1966* (Statutes of Ontario, 1966, chapter 137). The areas of regions set forth in the Schedule shall not be altered by reason of any amendment of *The Representation Act, 1966*.

WESTERN REGION

Includes all that part of Southwestern Ontario lying south and west of a line drawn as follows:

From Nottawasaga Bay along the east boundary of Grey South Electoral District, the east boundary of Wellington-Dufferin Electoral District, the north and southwest boundaries of Halton East Electoral District, then along the shoreline of Lake Ontario to the Niagara River.

WEST CENTRAL REGION

Includes all that part of Central Ontario lying within a line drawn as follows:

From Lake Ontario along the southwest and north boundaries of Halton East Electoral District, the west, north and east boundaries of Peel North Electoral District to the boundary of The Municipality of Metropolitan Toronto, then east to the West Don River and then south to Bayview Avenue, then south to Moore Avenue and proceeding west to the east boundary of St. David Electoral District, then southeast to the line of the Canadian Pacific Railway, and proceeding west to Spadina Road, then south to College Street, west to Bathurst Street, south to Dundas Street West, west to Palmerston Avenue, then south along the east boundary of Bellwoods Electoral District to Lake Ontario.

EAST CENTRAL REGION

Includes all that part of East Central Ontario lying within a line drawn as follows:

From Lake Ontario, north along the east boundary of Bellwoods Electoral District to Dundas Street West, then east to Bathurst Street, north to College Street, east to Spadina Avenue, north to the line of the Canadian Pacific Railway at Dupont Street, then east along the railway line to the boundary of the York East Electoral District, northwest to Moore Avenue, east to Bayview Avenue, north to the West Don River, then following the line of the river north to the boundary of The Municipality of Metropolitan Toronto, and then west to the boundary of the Peel North Electoral District boundary, north to the boundary of Dufferin-Simcoe Electoral District, along the south and west boundaries of Dufferin-Simcoe Electoral District to Georgian Bay, then north to the north boundary of Muskoka Electoral District, and along the east boundaries of Muskoka and Simcoe East Electoral Districts to Lake Simcoe, then along the east shoreline of Lake Simcoe to Port Bolster, then in southeasterly direction to Creswell, then along the west and south boundaries of Victoria-Haliburton Electoral District, west and south boundaries of Peterborough Elec-

toral District to the west boundary of Percy Township, then south along the township line to Lake Ontario.

EASTERN REGION

Includes all that part of Eastern Ontario within a line drawn as follows:

From Lake Ontario along the east boundary of Haldimand Township in a line north to the Peterborough Electoral District boundary and south and west boundaries of Victoria-Haliburton Electoral District to Creswell, then along a line northwest to Port Bolster and then following the east shoreline of Lake Simcoe to the boundary of the Simcoe East Electoral District east boundary, then along the south and east boundaries of Muskoka Electoral District, then south and east boundaries of Parry Sound Electoral District to the Ottawa River, then following the line of the Ottawa River, the Province of Quebec boundary, the St. Lawrence River and Lake Ontario.

NORTHERN REGION

Includes all that part of Northern Ontario lying north of and including the Electoral District of Algoma-Manitoulin and Parry Sound. O. Reg. 538/84, Sched.

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ADDENDUM

The following sections in Regulations 941 have been added or amended since the Revised Regulations of Ontario were printed in 1990.

NEW

Section 77 (1)

The following subsections are added:

- iv. knowledge of developments in the area of professional engineering relevant to any services that are undertaken, and
- v. competence in the performance of any professional engineering services that are undertaken. O.Reg. 48/92.

Section 78.1

78.1 The Registrar, if informed of a situation that may endanger life, health, property or the public welfare, may take such action as is reasonably necessary to serve or protect the public interest. O.Reg. 46/92.

AMENDED

Sections 80 through 86 inclusive are amended as follows:

80. (1) The application fee for registration as a holder of a licence is \$175.
- (2) The registration fee for applicants or applicants for reinstatement whose application is accepted is \$175. O.Reg. 631/92, s. 1.
81. The fee for an engineer-in-training to be recorded in the register is \$50 for each year or part thereof while so recorded. O.Reg. 538/84, s. 94.
82. (1) The application fee for registration as a holder of a temporary licence is \$450 for an applicant applying under paragraph 1 of section 43.
- (2) The application fee for registration as a holder of a temporary licence is \$450 for an applicant applying under paragraph 2 or 3 of section 43. O.Reg. 631/92, s. 2.
83. (1) The application fee for registration as a holder of a limited licence is \$175.
- (2) The registration fee for an applicant for registration as a holder of a limited licence whose application is accepted is \$175.

(3) The annual fee for a limited licence is \$120. O.Reg. 631/92, s. 3, part.

84. (1) The application fee for registration as a holder of a certificate of authorization is \$250.

(2) The annual fee for a certificate of authorization is \$250.

(3) The fee for each replacement certificate of authorization issued is \$35. O.Reg. 631/92, s. 3, part.

85.(1) The fees for writing examinations required in respect of each application are as follows:

1. the examination fee for the first examination written by an applicant, other than the Professional Practice Examination, is \$400;
2. the examination fee for each subsequent examination and the rewriting of an examination previously failed is \$115;
3. the fee to be paid upon submission of a thesis is \$250; and
4. the fee for writing or rewriting the Professional Practice Examination is \$100.

(2) The fees in subsection (1) are non-returnable. O.Reg. 631/92, s.4.

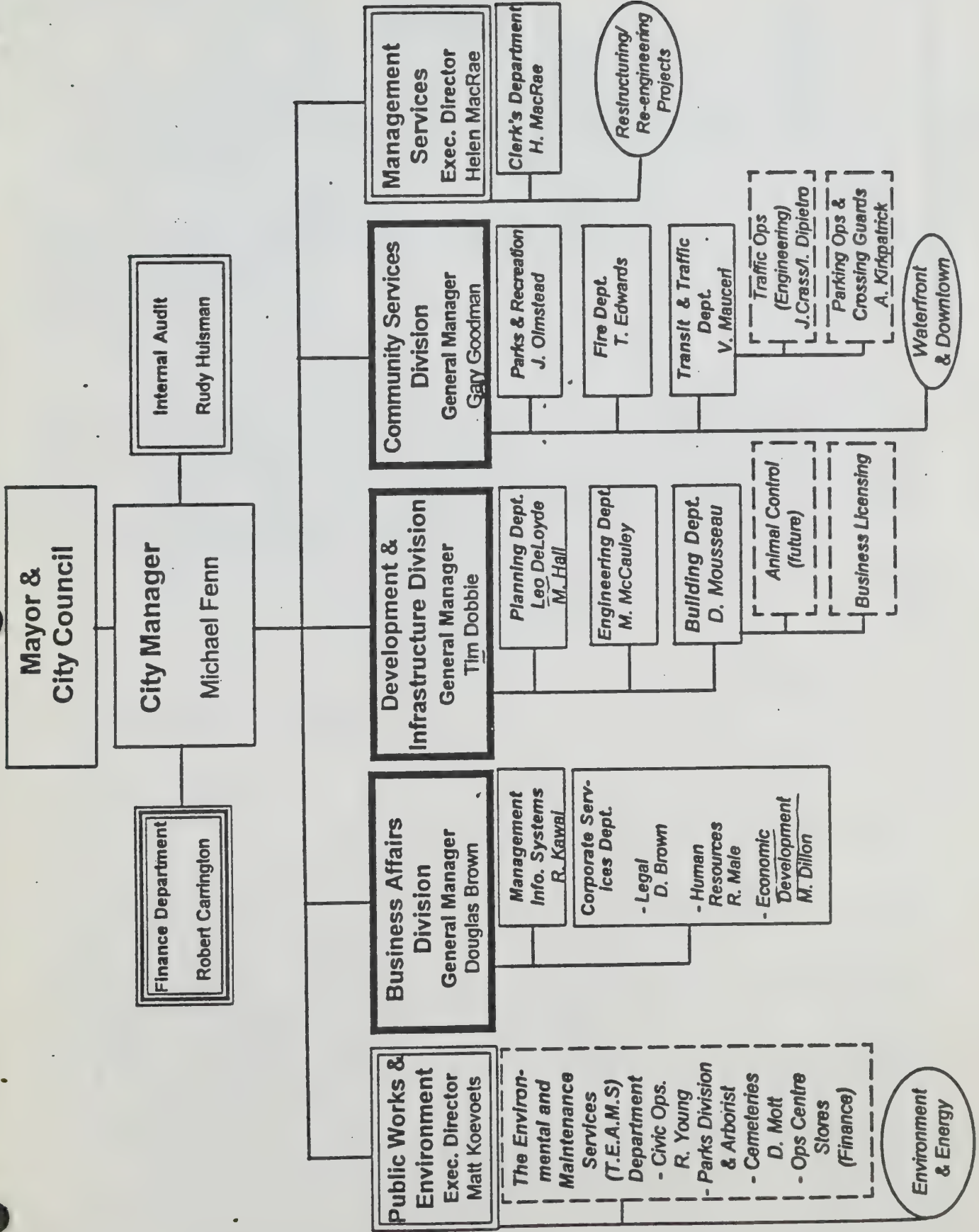
86.(1) The application fee for designation as a consulting engineer is \$150.

(2) The fee for designation as a consulting engineer is \$150 for the period of designation.

3) The application fee for redesignation as a consulting engineer is \$150.

(4) The fee for each examination required in support of an application for designation as a consulting engineer is \$100.

(5) The application fee for permission to use the term "consulting engineers" is \$25. O.Reg. 631/92, s.5.



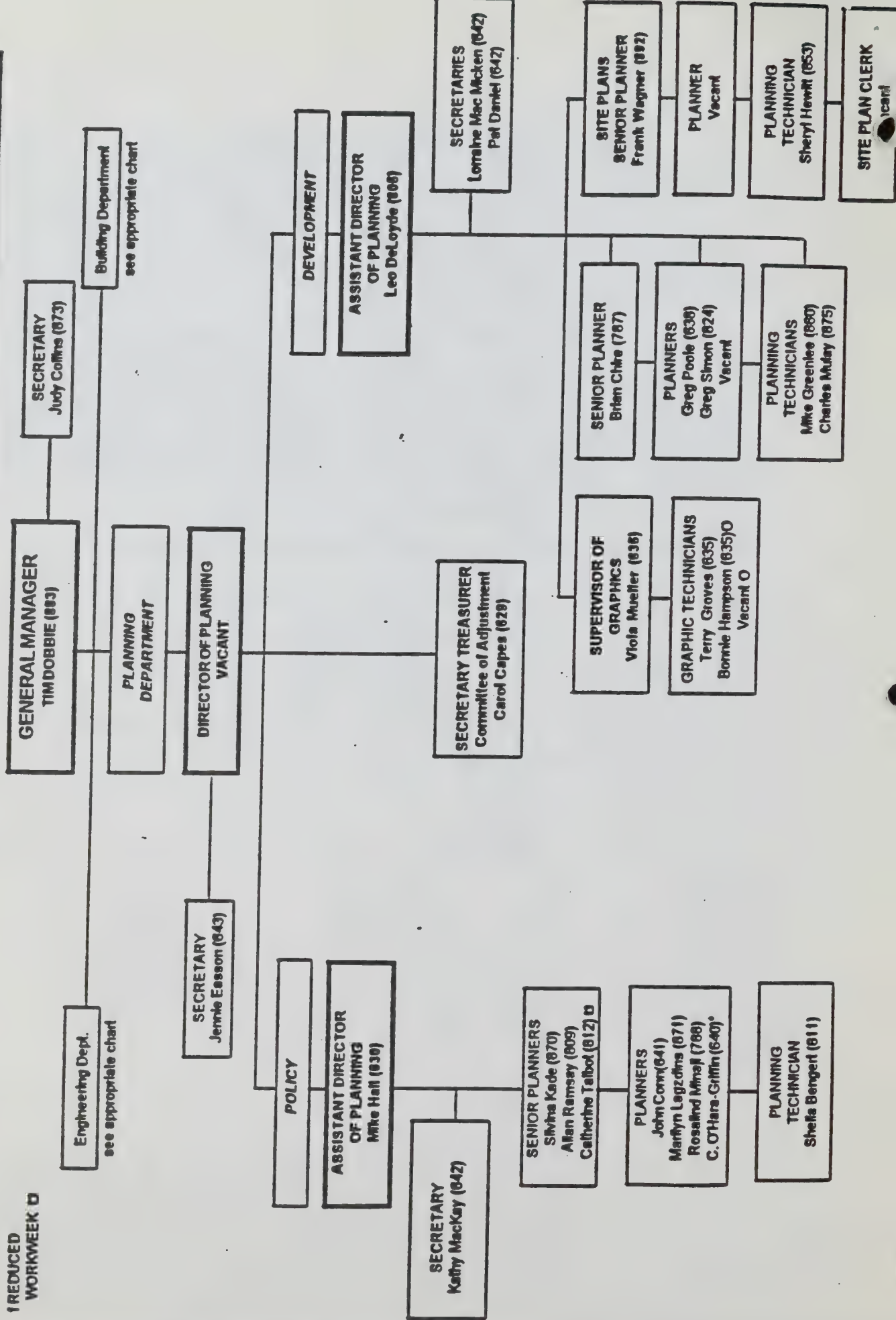
21 FULL TIME EMPLOYEES

1 CONTRACT *

1 JOBSHARE O

1 REDUCED
WORKWEEK D

DEVELOPMENT AND INFRASTRUCTURE DIVISION PLANNING DEPARTMENT January 1995



234 Eglinton Avenue East
Suite 201
Toronto, Ontario
M6G 1K5



Tel: (416) 483-1873
Fax: (416) 483-7830
1-800-668-1448

ONTARIO PROFESSIONAL PLANNERS INSTITUTE
INSTITUT DES PLANIFICATEURS PROFESSIONNELS DE L'ONTARIO

PROFESSIONAL CODE OF CONDUCT

1.0 PREAMBLE

As the basic objective of planning is the promotion of the general welfare, the member will respect this paramount consideration in the member's work, even in cases where it may be in conflict with the apparent interest of smaller groups or of individuals. The member will recognize that resources are the property of the nation as well the property of some individual or group; therefore the member will seek to protect and promote both public and private interests, as may be appropriate to the situation, always acknowledging the primacy of the public interest.

2.0 RULES OF DISCIPLINE

- 2.1 The member shall assist in maintaining the integrity and competence of the planning professions and specifically:
- 2.1.1 shall provide independent professional judgement to a client or employer; 1*
 - 2.1.2 shall not accept employment to perform planning services which the member is not competent by education or experience to perform;
 - 2.1.3 shall not neglect planning services which the member has agreed to perform, nor render service without research and preparation adequate in the circumstances;
 - 2.1.4 shall not advertise in self-laudatory language or in any other manner derogatory to the dignity of the profession;
 - 2.1.5 shall not maliciously or falsely injure the professional reputation, prospects or practice of another member;
 - 2.1.6 shall respect the member's colleagues in their professional capacity, and when evaluating the work of another member for the same client shall show evidence of objectivity and justice, and be willing publicly to defend the evaluation;
 - 2.1.7 shall not seek to displace another member knowing that a firm commitment has been made toward the employment of the other;

- 2.1.8 shall not give compensation in any form to a person or organization to recommend or secure a member's employment, or as a reward for having made a recommendation resulting in the member's employment;
- 2.1.9 shall not accept anything of value, or the promise of anything of value, including prospective employment, from any person when it could appear that the offer is made for the purpose of influencing the member's actions as an advisor to a public planning agency;
- 2.1.10 shall not, in order to obtain professional work, hold himself/ herself out or permit himself/herself to be held out as prepared to provide planning services at fees that are less than reasonable and appropriate in the circumstances;
- 2.1.11 shall not engage in conduct involving dishonesty, fraud, deceit or misrepresentation.
- 2.2 The member shall maintain a professional and ethical relationship with the client or employer and specifically:
 - 2.2.1 shall, in matters where the public interest may be adversely affected, inform all parties and give public disclosure of the consequences, together with the member's professional recommendation; / *
 - 2.2.2 except with the consent of the client or employer after full disclosure, or except as required by law, court or administrative order or subpoena, a member shall not reveal, use to the member's personal advantage or to the advantage of a third person, information gained in the professional relationship or employment that the client or employer has requested be held inviolate or the disclosure of which would be likely to be detrimental to the client or employer;
 - 2.2.3 shall not knowingly engage in anything which may conflict with the member's professional duties to the client or employer, notwithstanding full disclosure by the member to the client or employer of a possible conflict of interest and duty;
 - 2.2.4 shall have no financial interest in the result of the member's work which has not been disclosed to and received the approval of the client or employer;
 - 2.2.5 shall not, as an employee of a public planning agency, give professional planning advice to a private client or employer within the area of jurisdiction of the public agency without the written authorization of the agency;
 - 2.2.6 shall not, as a consultant to a public planning agency during the period of the contract with the agency, give professional planning advice to others within the area of jurisdiction of the agency without the prior written authorization of the agency;
 - 2.2.7 shall not, as a salaried employee of or consultant to any public planning agency, directly or indirectly advise the agency on the granting or refusal of an application which the member has submitted to the agency; however, the member may appear to present the application.

2.3 The member shall endeavour to practice good employee relations and specifically:

2.3.1 shall not directly or indirectly discriminate against any person because of said person's race, colour, creed, sex, or national origin in any aspect of job recruitment, hiring, conditions of employment, training, advancement or termination of employment;

2.3.2 shall, so far as is compatible with the member's responsibilities, give employees every opportunity of access to such work as will allow the employees to develop their full potential.



CENTRAL AREA PLAN IMPLEMENTATION COMMITTEE

a Subcommittee of the Planning and Development Committee

c/o CITY HALL, 71 MAIN STREET WEST, HAMILTON, ONTARIO, L8N 3T4

March 27, 1995

TC-CAP(A)

Alderman D. Drury
Chairman, Planning and Development Committee

Dear Alderman Drury:

Re: CAPIC Resolution Regarding Local Planning Branch

The Central Area Plan Implementation Committee (CAPIC), at its meeting of March 24, 1995, discussed the proposed restructuring of the City planning function.

After a lengthy discussion on this matter, the following motion was adopted by CAPIC, as moved by John Nolan, and seconded by Graeme McTaggart:

"That in any contemplated reorganization of the Local Planning Branch, (City planning function), the Central Area Plan Implementation Committee (CAPIC) support a strong, effective, independent Planning Department; and,

That CAPIC encourage coordination of City planning functions with the Regional Planning and Development Department."

Please contact Vanessa Grupe of the Planning Department at Ext. 4160 should you require any further information concerning this resolution or related matters.

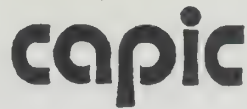
Yours truly,

A handwritten signature in cursive script, reading "Vanessa Grupe".

Vanessa Grupe
CAPIC Coordinator

cc. J. Pavelka
L. King

CAPIC.95



CENTRAL AREA PLAN IMPLEMENTATION COMMITTEE

a Subcommittee of the Planning and Development Committee

66 CITY HALL, 71 MAIN STREET WEST, HAMILTON, ONTARIO, L8N 3T4

March 27, 1995

TC-CAP(A)

Alderman Wm. McCulloch

Dear Alderman McCulloch:

Re: CAPIC Resolution Regarding Local Planning Branch

The Central Area Plan Implementation Committee (CAPIC), at its meeting of March 24, 1995, discussed the proposed restructuring of the City planning function.

After a lengthy discussion on this matter, the following motion was adopted by CAPIC, as moved by John Nolan, and seconded by Graeme McTaggart:

"That in any contemplated reorganization of the Local Planning Branch, (City planning function), the Central Area Plan Implementation Committee (CAPIC) support a strong, effective, independent Planning Department; and,

That CAPIC encourage coordination of City planning functions with the Regional Planning and Development Department."

Please contact Vanessa Grupe of the Planning Department at Ext. 4160 should you require any further information concerning this resolution or related matters.

Yours truly,

A handwritten signature in cursive script that reads "Vanessa Grupe".

Vanessa Grupe
CAPIC Coordinator

cc. J. Pavelka
L. King

CAPIC.95

Hamilton Society of Architects

March 31, 1995

Corporation of the City of Hamilton
71 Main Street West
Hamilton, Ontario
L8N 3T4

Att: Planning and Development Committee - Chairperson - Members

Re: Local Planning: Integration of Local Planning into Building Department
(Agenda Item 6 of the Planning and Development Committee Meeting of 1995 March 22nd)

Dear Mr. Drury and committee members:

Pursuant to your meeting of March 22, 1995, the Hamilton Society of Architects wishes to address the matter of "Local Planning" (Item 6 on the agenda).

The Hamilton Society of Architects objects to part 1(a) of the recommendation and opposes the integration of the Planning Department with the Building Department.

Upon analysis of the CAO's report, the entire premise of integration appears to be based on the notion that it will provide cost savings, since it is assumed that there is a sharing of files, typing, etc. While this may hold true for zoning, which is an enforcement activity, we believe it should not be assumed that Planning falls into the same category. Planning is a discipline like Engineering, and requires dedicated staff and files.

We recommend that the existing Planning Department be granted at least a 3-year period to develop a departmental policy which fits into the city Staff/Department framework. An evaluation of the success of that independent department can be evaluated, and then a longer-term decision can be made in consultation with concerned staff, community and professional groups. In 3 years, the direction of single-tier local government, and the implications of the new Ontario Planning Act will also be clear. It is ill-advised to make major administrative commitments in advance of these considerations. We have discussed our recommendation with a representative of the Ontario Professional Planners Institute, who concurs with this recommendation.

Our objection is based on the fact that Planning is a unique discipline which requires the ability to conceptualize an image of the city into the future. A partnership between the Planning Department and the community can achieve a vision of Hamilton which is truly representative of all interest.

--12



A Society of the Ontario Association of Architects

4 April 1995

Chairman and Members of the
Planning and Development Committee
City of Hamilton
71 Main Street West
Hamilton, Ontario
L8N 3T4

faxed to: 546-2095

re: Administrative position of planning functions within the City of Hamilton organizational hierarchy

City planning is a vitally important function, and in the long term is the most critical activity that a city administration can carry out. As Hamilton moves into a period of unprecedented economic, social and environmental change, it must be able to put in place a coherent strategy for the future. Failure to do so will threaten the future prospects of our city.

We strongly endorse the position that planning be an independent department in the city structure, for the following reasons:

1. It won't cost any more money.
2. The integrity of planning advice will be uncompromised.
3. An independent planning department is better able to deal with other departments within city hall. Many departments, committees and authorities within the city structure must be involved in the planning process: BIAs, neighbourhood groups and associations, Building, CAO's office, CAPIC, Culture and Recreation, Engineering, Finance, LACAC, the Parking Authority, Property, Public Works, Purchasing, Traffic are just a few.
4. It makes no sense to dilute the influence of the planning function on the eve of the new provincial Planning Act.

We strongly oppose the option that Planning be a sub-function of the Building Department for the following reasons:

1. It won't cost any less money.
2. Such a move has not even been tried, let alone proven effective, anywhere in the province.
3. It makes no sense to spend time, effort and money to create an eccentric administrative mechanism when single-tier government is on the horizon, and administrative structures will change again anyway.

page 2

OFFICE OF THE CITY CLERK

APR 4 1995

REC. BY CM DATE 4-4-95
REF'D. TO _____ DATE _____
REF'D. TO _____ DATE _____
REF'D. TO _____ DATE _____

ACTION: _____

**Anthony
Butler
Architect
Inc.**

11 Dundurn Street N.
Hamilton, Ontario
L8R 3C8
T: (905) 827-2981
F: (905) 827-2976

Anthony Butler
B.Arch, OAA, FRAIC
Jack A. Bids
RSW, MAATD, General Manager
Robert Brough
B.Arch, OAA, FRAIC

INTERNATIONAL

Village

Business Improvement Area

King St. E.
between
Wellington
& Mary

Box 91220 Effort Sq. P.O.
Hamilton, Ontario L8N 4G4

April 3rd, 1995

Don Drury, Chairman
Planning and Development Committee
City of Hamilton

Dear Chairman Drury and
Committee Members

The Board of Management on behalf of the members of International Village, takes this opportunity to express its concern with the recommendation of the inclusion of the proposed City of Hamilton Planning Services (local office of Regional Planning and Development Department) as part of the Building Department under one Commissioner/Director.

Our concern stems from the absence of any community input into this decision through discussion with recognized Citizen Committees.

As Planning and Development, through thoughtful long range Urban planning is basically responsible for the protection and growth of a healthy Community, we feel it is important that the Planning and Development Department, whether it be Regional or Municipal, must remain strong and independent with input from the various community neighbourhoods through citizen participation.

We strongly recommend, therefore, the tabling of this recommendation until either the Region's Citizen's Constituency Assembly does its work or until further discussion and citizen input can take place.

Sincerely

INTERNATIONAL VILLAGE BIA



Mary M. Pocius
Executive Director

cc: Alderman William McCulloch
Alderman Vince Agro

URBAN/MUNICIPAL
CAY ON HBL AOS
A31
1995



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Hamilton Public Library
+ Bill

**MEETING OF THE COUNCIL
OF THE CORPORATION OF THE CITY OF HAMILTON**

URBAN MUNICIPAL

**Tuesday, 1995 April 25
7:30 o'clock p.m.
Council Chambers, City Hall**

APR 24 1995

J. J. Schatz
City Clerk

GOVERNMENT DOCUMENT

A G E N D A

1. **National Anthem sung by Fern Viola, Canadian Remembers Co-ordinator, Veterans Affairs, Canada**
2. **Opening Prayer - Archdeacon William Sewell - Rector of the Church of the Ascension (retired)**
3. **Mayor - Welcome/Thanks to V E Day Celebrations Committee**

"Hamilton Remembers.." Scroll
Lt. Colonel H. Dennis Rice, ED, CD
Honourary Co-Chairman
Colonel John A. Williamson, EM, CD
Chairman
VE-DAY Celebrations Committee
4. **Presentations - Certificates of Merit - Poster Competition held by the Keep Hamilton Clean Committee**

(a) Peter Oddi, Grade One student at St. Daniel's School
(b) Alyshia Mahy, Grade Eight student at St. Jerome's School
5. **Adoption of the minutes of the meetings held 1995 April 6 and 11.**
6. **Correspondence\Petitions**
7. **Reports of the Standing Committees:**

(a) Parks and Recreation Committee
(d) Finance and Administration Committee
(e) City of Hamilton Licensing Committee

8. *Notice of Motion from previous meeting.*

(a) Mayor R. M. Morrow - GTA

9. *Notices of Motion for next meeting.*

10. *First Reading of the Bills.*

11. *Second Reading of the Bills - Committee of the Whole.*

12. *Third Reading of the Bills.*

13. *Question Period.*

14. *Adjournment.*

MINUTES

Minutes of the Special
City Council Meeting
Thursday, 1995 April 6
1:00 o'clock p.m.
Room 233, City Hall

The Council met.

Present: Mayor Robert M. Morrow
Aldermen Kiss, Caplan, Agro, McCulloch, Morelli, Drury, Copps, Wilson,
Agostino, Eisenberger, Jackson, Charters, Merling, Anderson, D'Amico.

Absent: Alderman D. Ross - personal business

Mayor R. M. Morrow called the meeting to order.

* * * * *

It was moved by Alderman Agro and seconded by Alderman Anderson that the Report of the Committee of the Whole on the Report of the Committee of the Whole be considered in Committee of the Whole with Mayor Morrow in the Chair.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, Morelli, Wilson, Agostino,
Eisenberger, Jackson, Charters, Merling, Anderson, D'Amico. -13.

NAYS: -0.

CARRIED.

COMMITTEE OF THE WHOLE - FOURTH REPORT

1995 Revenue and Expenditure Estimates
1995 Grant Allocations

Section 1 Re: 1995 Revenue and Expenditure Estimates

Recorded vote.

YEAS: Mayor Morrow, Aldermen Agro, Morelli, Wilson, Agostino, Eisenberger,
Charters, Jackson, Merling, Anderson, D'Amico. - 11

NAYS: Aldermen Kiss, Caplan. - 2

CARRIED.

* * * * *

It was moved by Alderman Agro and seconded by Alderman Anderson that the Report of the Committee of the Whole on the Report of the Committee of the Whole be adopted.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, Morelli, Wilson, Agostino, Eisenberger, Jackson, Charters, Merling, Anderson, D'Amico. -13.

NAYS: -0. **CARRIED.**

BILL E-3

It was moved by Alderman Agro and seconded by Alderman Anderson that Bill E-3 be read a first time.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, Morelli, Wilson, Agostino, Eisenberger, Jackson, Charters, Merling, Anderson, D'Amico. -13.

NAYS: -0. **CARRIED.**

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It was moved by Alderman Agro and seconded by Alderman Anderson that Council move into Committee of the Whole to consider Bill E-3 with Mayor Morrow in the chair.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, Morelli, Wilson, Agostino, Eisenberger, Jackson, Charters, Merling, Anderson, D'Amico. -13.

NAYS: -0. **CARRIED.**

* * * * *

Consideration of the Bills (second reading).

* * * * *

It was moved by Alderman Agro and seconded by Alderman Anderson that the Report of the Committee of the Whole on Bill E-3, be adopted.

1995 April 6

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, Morelli, Wilson, Agostino, Eisenberger, Jackson, Charters, Merling, Anderson, D'Amico. -13.

NAYS: -0.

CARRIED.

* * * * *

It was moved by Alderman Agro and seconded by Alderman Anderson that Bill E-3 be now read a third time, signed, sealed and enrolled as a By-law.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, Morelli, Wilson, Agostino, Eisenberger, Jackson, Charters, Merling, Anderson, D'Amico. -13.

NAYS: -0.

CARRIED.

* * * * *

City Council then adjourned at 6:05 o'clock p.m.

* * * * *

Taken as read and approved.

Mayor R.M. Morrow
Chairman, Committee of the Whole

J. J. Schatz, City Clerk
1995 April 6
JJS/dg

Minutes of Hamilton City Council
Tuesday, 1995 April 11
7:30 o'clock p.m.
Council Chamber, City Hall

The Council met:

Present: Mayor R. M. Morrow
Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson,
Agostino, Eisenberger, Jackson, Charters, Merling, Anderson, Ross, D'Amico.

Mayor R. M. Morrow called the meeting to order.

* * * * *

The National Anthem was played.

* * * * *

Reverend James Styles (Retired - Anglican Church) led Council in prayer.

<p>PRESENTATIONS</p>

A Certificate of Recognition was presented to Mr. Craig Chadwick, President of Chadwick Electric Supply Company Limited.

* * * * *

A Certificate of Recognition was presented to Ms. Joanne Malar for her winning six medals, to gold, three silver and one bronze at the recent Pan-American Games.

* * * * *

A Certificate of Recognition was presented to Deacon Sempad Bostanjian on the occasion of celebrating his 100th Birthday.

* * * * *

ADOPTION OF MINUTES

The minutes of the meeting held 1995 March 28 were adopted as circulated.

CORRESPONDENCE

1. Facsimilies dated 1995 April 6 from Christine H. Feaver, 96 Hyde Park Avenue, Hamilton, Ontario to Members of City Council and the Chairman and Trustees of the Board of Education for the City of Hamilton respecting charging rental fees to the Board of Education for its use of city swimming pools and cut backs to water sports programs.

Referred to the Parks and Recreation Committee.

2. Application dated 1995 March 29 from Ontario Realty Corporation, Toronto, Ontario for changes in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for Block "1", "R-4" (Small Lot Single-Family Dwellings) District for Block "2", and RT-20" (Townhouse - Maisonette) District for Block "3", for lands located in the area north of Stone Church Road East and east of Garth Street, Hamilton, Ontario.

Received.

3. Application dated 1995 April 3 from Wellington Chase Inc. (J. Parente), Hamilton, Ontario for a further modification to the established "G-1" (Designed Shopping Centre) District for Block "1" and for changes in zoning from "G-1" (Designed Shopping Centre) District to "C" (Urban Protected Residential, etc.) District for Block "2" and to "R-4" (Small Lot Single-Family Dwellings) District for Block "3", for lands located at the south-east corner of Upper Wellington and Stone Church Road East, Hamilton, Ontario.

Received.

4. Application dated 1995 April 3 from Wellington Chase Inc. (J. Parente) for a change in zoning from "G-1" (Designed Shopping Centre) District to "C" (Urban Protected Residential, etc.) District for lands located at the north-west corner of Emperor Drive and Upper Wentworth Street, Hamilton, Ontario.

Received.

5. Letter dated 1995 April 7 from The Board of Education for the City of Hamilton advising of their 1995 budget requirements.

Received.

6. Facsimilie dated 1995 April 10 from John G. Attridge respecting adult videos in corner stores.

Referred to the Finance and Administration Committee.

7. Facsimilie dated 1995 April 10 from C. Yachetti, Director for Canadians for Positive Community Standards respecting adult videos.

Referred to the Finance and Administration Committee.

* * * * *

It was moved by Alderman Kiss and seconded by Alderman Caplan that the Reports of the Transport and Environment Committee, the Parks and Recreation Committee, the Planning and Development Committee, the Finance and Administration Committee, and the Committee of the Whole be considered in Committee of the Whole with Alderman Agostino in the chair.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Agostino, Eisenberger, Jackson, Charters, Merling, Anderson, D'Amico, Ross. -17.

NAYS: -0.

CARRIED.

TRANSPORT AND ENVIRONMENT COMMITTEE - FIFTH REPORT

Section 30 Re: Flat Rate Fee - Municipal Servicing Costs

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Agostino, Eisenberger, Charters, Merling, Anderson, D'Amico, Ross. -16.

NAYS: Alderman Jackson. -1.

CARRIED.

PARKS AND RECREATION COMMITTEE - NINTH REPORT

PLANNING AND DEVELOPMENT COMMITTEE - ELEVENTH REPORT

Section 2 Re: Zoning Application 95-02 - Imperial Oil Limited - 1445 Main Street West

Recorded vote.

YEAS: Mayor Morrow, Aldermen McCulloch, Drury, Morelli, Wilson, Agostino, Eisenberger, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -13.

NAYS: Aldermen Kiss, Caplan, Copps. -3.

CARRIED.

* * * * *

Section 9 Re: Rule No. 8 - Demolition Permit

It was moved by Alderman Drury and seconded by Alderman Morelli that Rule No. 8 of the City's Procedural By-law No. 82-203 be invoked for this meeting of City Council in order to permit consideration of a resolution respecting Demolition Permits. **CARRIED.**

* * * * *

Section 9 (a) Demolition Permit - 115 Gladstone Avenue

It was moved by Alderman Drury and seconded by Alderman Morelli that the following be added as Section 9 of the Eleventh Report for 1995 of the Planning and Development Committee:

9. (a) That the Building Commissioner be authorized to issue a demolition permit for 115 Gladstone Avenue in accordance with By-law 74-290 pursuant to Section 33 of The Planning Act, as amended.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Wilson, Agostino, Eisenberger, Jackson, Charters, Merling, Anderson, D'Amico, Ross. -16.

NAYS: Alderman Copps. -1.

CARRIED.

Section 9 (b) Demolition Permit - 661 Upper Wellington Street

It was moved by Alderman Merling and seconded by Alderman Anderson that Section 9 (b) of the Eleventh Report of the Planning and Development Committee be referred back.

CARRIED.

9. (b) That the Building Commissioner be authorized to issue a demolition permit for 661 Upper Wellington Street in accordance with By-law 74-290 pursuant to Section 33 of the Planning Act, as amended.

REFERRED BACK.

* * * * *

Section 9 (c) Demolition Permit - 760 West 5th Street

It was moved by Alderman D'Amico and seconded by Alderman Ross that Section 9 (c) of the Eleventh Report of the Planning and Development Committee be referred back.

9. (c) That the Building Commissioner be authorized to issue a demolition permit for 760 West 5th Street in accordance with By-law 74-290 pursuant to Section 33 of The Planning Act, as amended.

REFERRED BACK.

<p>FINANCE AND ADMINISTRATION COMMITTEE - ELEVENTH REPORT</p>
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Section 1 (a) Re: Street Vendor Locations

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Copps, Agostino. -8.

NAYS: Aldermen Morelli, Wilson, Eisenberger, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -9.

LOST.

* * * * *

Section 1 (e) Re: Street Vendor Locations

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Copps, Agostino. -8.

NAYS: Aldermen Morelli, Wilson, Eisenberger, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -9.

LOST.

Section 16 Re: Establish a Task Force - Adult Videos

It was moved by Alderman Charters and seconded by Alderman Wilson that Section 16 of the Eleventh Report for 1995 of the Finance and Administration Committee be referred to the Finance and Administration Committee to establish a Task Force to investigate further the classification and fee structure for Adult Video vendors, and for additional staff reports on administrative and legal ramifications from the City Clerk and City Solicitor. **CARRIED.**

* * * * *

Section 22 Re: Lister Block

It was moved by Alderman Charters and seconded by Alderman Wilson that the following be added as Section 22 of the ELEVENTH Report of the Finance and Administration Committee for 1995.

22. (a) That the City of Hamilton endorse the Lister Block proposal of Municipal Non-Profit (Hamilton) Housing Corporation which meets strategic municipal and provincial goals of heritage conservation, job creation, housing in the downtown core and business improvement and which is in keeping with the city's downtown revitalization plan, and;
- (b) That the Minister of Housing be requested to provide funding approval for the Lister Block proposal.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Wilson, Agostino, Jackson, Charters, Anderson, D'Amico, Ross. -14.

NAYS: Aldermen Copps, Eisenberger, Merling. -3.

CARRIED.

RESOLUTION FROM PREVIOUS MEETING OF CITY COUNCIL

**Section 8 (b) - Twenty-Third Report of the Finance and Administration Committee for 1993
Reconsideration - Smoke Free Community**

It was moved by Alderman Charters and seconded by Alderman Jackson that Sub-Section (b) of Section 8 of the Twenty-Third Report for 1993 of the Finance and Administration Committee concerning the Regional Health and Social Services Committee authorizing its Medical Officer of Health to prepare a report on a smoke free community by the year 2000, be reconsidered.

CARRIED.

It was moved by Alderman Charters and seconded by Alderman Jackson that Sub-Section (b) of Secuon 8 of the Twenty-Third Report for 1993 of the Finance and Administration Committee be amended to read:

8. (b) That the Regional Health and Social Services Committee be requested to authorize the Medical Officer of Health to prepare a report for review by the City Clerk and subsequent recommendations to the Finance and Administration Committee, which would provide for the required actions to be taken to provide a "smoke free community by the year 2000".

CARRIED.

COMMITTEE OF THE WHOLE - FIFTH REPORT

NOTICE OF MOTION FROM PREVIOUS MEETING

Re: Alderman Wilson - Election to Higher Office

It was moved by Alderman Wilson and seconded by Alderman Charters that any member of City Council who seeks election to higher office be required to resign their seat once they are officially nominated as a candidate.

Alderman Agostino declared a potential conflict of interest as he could be affected by the decision of City Council on the motion.

After Alderman Wilson and one other speaker spoke on the motion, Alderman Charters withdrew his name as the seconder of the motion with the consent of City Council which immediately terminated any further debate or action on the motion. The motion died for lack of a seconder.

* * * * *

It was moved by Alderman Kiss and seconded by Alderman Caplan that the Report of the Committee of the Whole on the Reports of the Transport and Environment Committee, the Parks and Recreation Committee, the Planning and Development Committee, the Finance and Administration Committee, and the Committee of the Whole be adopted.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Agostino, Eisenberger, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -17.

NAYS: -0.

CARRIED.

BILLS

It was moved by Alderman Kiss and seconded by Alderman Caplan that the following Bills be now read a first time:

A-27, A-28, A-29, A-30, A-31, A-32.
C-28, C-29, C-30.
D-24, D-25.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Agostino, Eisenberger, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -17.

NAYS: -0.

CARRIED.

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It was moved by Alderman Kiss and seconded by Alderman Caplan that Council move into Committee of the Whole to consider the following Bills, with Alderman Agostino in the chair. (second reading).

A-27, A-28, A-29, A-30, A-31, A-32.
C-28, C-29, C-30.
D-24, D-25.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Agostino, Eisenberger, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -17.

NAYS: -0.

CARRIED.

* * * * *

Consideration of the Bills (second reading).

* * * * *

It was moved by Alderman Kiss and seconded by Alderman Caplan that the Report of the Committee of the Whole on the following Bills, be adopted:

A-27, A-28, A-29, A-30, A-31, A-32.

C-28, C-29, C-30.

D-24, D-25.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Agostino, Eisenberger, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -17.

NAYS: -0.

CARRIED.

* * * * *

It was moved by Alderman Kiss and seconded by Alderman Caplan that the following Bills, be now read a third time, signed, sealed and enrolled as By-laws:

A-27, A-28, A-29, A-30, A-31, A-32.

C-28, C-29, C-30.

D-24, D-25.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Agostino, Eisenberger, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -17.

NAYS: -0.

CARRIED.

* * * * *

City Council then adjourned at 8:50 o'clock p.m.

* * * * *

Taken as read and approved.

MAYOR R. M. MORROW

S. G. Hollowell, Acting City Clerk
1995 April 11

SGH/dg

Minutes of Hamilton City Council
Tuesday, 1995 April 11
7:30 o'clock p.m.
Council Chamber, City Hall

The Council met:

Present: Mayor R. M. Morrow
Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson,
Agostino, Eisenberger, Jackson, Charters, Merling, Anderson, Ross, D'Amico.

Mayor R. M. Morrow called the meeting to order.

* * * * *

The National Anthem was played.

* * * * *

Reverend James Styles (Retired - Anglican Church) led Council in prayer.

<p>PRESENTATIONS</p>

A Certificate of Recognition was presented to Mr. Craig Chadwick, President of Chadwick Electric Supply Company Limited.

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A Certificate of Recognition was presented to Ms. Joanne Malar for her winning six medals, to gold, three silver and one bronze at the recent Pan-American Games.

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ADOPTION OF MINUTES

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CORRESPONDENCE

1. Facsimilies dated 1995 April 6 from Christine H. Feaver, 96 Hyde Park Avenue, Hamilton, Ontario to Members of City Council and the Chairman and Trustees of the Board of Education for the City of Hamilton respecting charging rental fees to the Board of Education for its use of city swimming pools and cut backs to water sports programs.

Referred to the Parks and Recreation Committee.

2. Application dated 1995 March 29 from Ontario Realty Corporation, Toronto, Ontario for changes in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for Block "1", "R-4" (Small Lot Single-Family Dwellings) District for Block "2", and RT-20" (Townhouse - Maisonette) District for Block "3", for lands located in the area north of Stone Church Road East and east of Garth Street, Hamilton, Ontario.

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4. Application dated 1995 April 3 from Wellington Chase Inc. (J. Parente) for a change in zoning from "G-1" (Designed Shopping Centre) District to "C" (Urban Protected Residential, etc.) District for lands located at the north-west corner of Emperor Drive and Upper Wentworth Street, Hamilton, Ontario.

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5. Letter dated 1995 April 7 from The Board of Education for the City of Hamilton advising of their 1995 budget requirements.

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6. Facsimilie dated 1995 April 10 from John G. Attridge respecting adult videos in corner stores.

Referred to the Finance and Administration Committee.

7. Facsimilie dated 1995 April 10 from C. Yachetti, Director for Canadians for Positive Community Standards respecting adult videos.

Referred to the Finance and Administration Committee.

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It was moved by Alderman Kiss and seconded by Alderman Caplan that the Reports of the Transport and Environment Committee, the Parks and Recreation Committee, the Planning and Development Committee, the Finance and Administration Committee, and the Committee of the Whole be considered in Committee of the Whole with Alderman Agostino in the chair.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Agostino, Eisenberger, Jackson, Charters, Merling, Anderson, D'Amico, Ross. -17.

NAYS: -0.

CARRIED.

TRANSPORT AND ENVIRONMENT COMMITTEE - FIFTH REPORT

Section 30 Re: Flat Rate Fee - Municipal Servicing Costs

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Agostino, Eisenberger, Charters, Merling, Anderson, D'Amico, Ross. -16.

NAYS: Alderman Jackson. -1.

CARRIED.

PARKS AND RECREATION COMMITTEE - NINTH REPORT

PLANNING AND DEVELOPMENT COMMITTEE - ELEVENTH REPORT

Section 2 Re: Zoning Application 95-02 - Imperial Oil Limited - 1445 Main Street West

Recorded vote.

YEAS: Mayor Morrow, Aldermen McCulloch, Drury, Morelli, Wilson, Agostino, Eisenberger, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -13.

NAYS: Aldermen Kiss, Caplan, Copps. -3. **CARRIED.**

* * * * *

Section 9 Re: Rule No. 8 - Demolition Permit

It was moved by Alderman Drury and seconded by Alderman Morelli that Rule No. 8 of the City's Procedural By-law No. 82-203 be invoked for this meeting of City Council in order to permit consideration of a resolution respecting Demolition Permits. **CARRIED.**

* * * * *

Section 9 (a) Demolition Permit - 115 Gladstone Avenue

It was moved by Alderman Drury and seconded by Alderman Morelli that the following be added as Section 9 of the Eleventh Report for 1995 of the Planning and Development Committee:

9. (a) That the Building Commissioner be authorized to issue a demolition permit for 115 Gladstone Avenue in accordance with By-law 74-290 pursuant to Section 33 of The Planning Act, as amended.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Wilson, Agostino, Eisenberger, Jackson, Charters, Merling, Anderson, D'Amico, Ross. -16.

NAYS: Alderman Copps. -1. **CARRIED.**

Section 9 (b) Demolition Permit - 661 Upper Wellington Street

It was moved by Alderman Merling and seconded by Alderman Anderson that Section 9 (b) of the Eleventh Report of the Planning and Development Committee be referred back.

CARRIED.

9. (b) That the Building Commissioner be authorized to issue a demolition permit for 661 Upper Wellington Street in accordance with By-law 74-290 pursuant to Section 33 of the Planning Act, as amended.

REFERRED BACK.

* * * * *

Section 9 (c) Demolition Permit - 760 West 5th Street

It was moved by Alderman D'Amico and seconded by Alderman Ross that Section 9 (c) of the Eleventh Report of the Planning and Development Committee be referred back.

9. (c) That the Building Commissioner be authorized to issue a demolition permit for 760 West 5th Street in accordance with By-law 74-290 pursuant to Section 33 of The Planning Act, as amended.

REFERRED BACK.

<p>FINANCE AND ADMINISTRATION COMMITTEE - ELEVENTH REPORT</p>
--

Section 1 (a) Re: Street Vendor Locations

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Copps, Agostino. -8.

NAYS: Aldermen Morelli, Wilson, Eisenberger, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -9.

LOST.

* * * * *

Section 1 (e) Re: Street Vendor Locations

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Copps, Agostino. -8.

NAYS: Aldermen Morelli, Wilson, Eisenberger, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -9.

LOST.

Section 16 Re: Establish a Task Force - Adult Videos

It was moved by Alderman Charters and seconded by Alderman Wilson that Section 16 of the Eleventh Report for 1995 of the Finance and Administration Committee be referred to the Finance and Administration Committee to establish a Task Force to investigate further the classification and fee structure for Adult Video vendors, and for additional staff reports on administrative and legal ramifications from the City Clerk and City Solicitor. **CARRIED.**

* * * * *

Section 22 Re: Lister Block

It was moved by Alderman Charters and seconded by Alderman Wilson that the following be added as Section 22 of the ELEVENTH Report of the Finance and Administration Committee for 1995.

22. (a) That the City of Hamilton endorse the Lister Block proposal of Municipal Non-Profit (Hamilton) Housing Corporation which meets strategic municipal and provincial goals of heritage conservation, job creation, housing in the downtown core and business improvement and which is in keeping with the city's downtown revitalization plan, and;
- (b) That the Minister of Housing be requested to provide funding approval for the Lister Block proposal.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Wilson, Agostino, Jackson, Charters, Anderson, D'Amico, Ross. -14.

NAYS: Aldermen Copps, Eisenberger, Merling. -3.

CARRIED.

RESOLUTION FROM PREVIOUS MEETING OF CITY COUNCIL

**Section 8 (b) - Twenty-Third Report of the Finance and Administration Committee for 1993
Reconsideration - Smoke Free Community**

It was moved by Alderman Charters and seconded by Alderman Jackson that Sub-Section (b) of Section 8 of the Twenty-Third Report for 1993 of the Finance and Administration Committee concerning the Regional Health and Social Services Committee authorizing its Medical Officer of Health to prepare a report on a smoke free community by the year 2000, be reconsidered.

CARRIED.

It was moved by Alderman Charters and seconded by Alderman Jackson that Sub-Section (b) of Secuon 8 of the Twenty-Third Report for 1993 of the Finance and Administration Committee be amended to read:

8. (b) That the Regional Health and Social Services Committee be requested to authorize the Medical Officer of Health to prepare a report for review by the City Clerk and subsequent recommendations to the Finance and Administration Committee, which would provide for the required actions to be taken to provide a "smoke free community by the year 2000".

CARRIED.

COMMITTEE OF THE WHOLE - FIFTH REPORT

NOTICE OF MOTION FROM PREVIOUS MEETING

Re: Alderman Wilson - Election to Higher Office

It was moved by Alderman Wilson and seconded by Alderman Charters that any member of City Council who seeks election to higher office be required to resign their seat once they are officially nominated as a candidate.

Alderman Agostino declared a potential conflict of interest as he could be affected by the decision of City Council on the motion.

After Alderman Wilson and one other speaker spoke on the motion, Alderman Charters withdrew his name as the seconder of the motion with the consent of City Council which immediately terminated any further debate or action on the motion. The motion died for lack of a seconder.

* * * * *

It was moved by Alderman Kiss and seconded by Alderman Caplan that the Report of the Committee of the Whole on the Reports of the Transport and Environment Committee, the Parks and Recreation Committee, the Planning and Development Committee, the Finance and Administration Committee, and the Committee of the Whole be adopted.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Agostino, Eisenberger, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -17.

NAYS: -0.

CARRIED.

BILLS

It was moved by Alderman Kiss and seconded by Alderman Caplan that the following Bills be now read a first time:

A-27, A-28, A-29, A-30, A-31, A-32.
C-28, C-29, C-30.
D-24, D-25.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Agostino, Eisenberger, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -17.

NAYS: -0.

CARRIED.

* * * * *

It was moved by Alderman Kiss and seconded by Alderman Caplan that Council move into Committee of the Whole to consider the following Bills, with Alderman Agostino in the chair. (second reading).

A-27, A-28, A-29, A-30, A-31, A-32.
C-28, C-29, C-30.
D-24, D-25.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Agostino, Eisenberger, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -17.

NAYS: -0.

CARRIED.

* * * * *

Consideration of the Bills (second reading).

* * * * *

It was moved by Alderman Kiss and seconded by Alderman Caplan that the Report of the Committee of the Whole on the following Bills, be adopted:

A-27, A-28, A-29, A-30, A-31, A-32.

C-28, C-29, C-30.

D-24, D-25.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Agostino, Eisenberger, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -17.

NAYS: -0.

CARRIED.

* * * * *

It was moved by Alderman Kiss and seconded by Alderman Caplan that the following Bills, be now read a third time, signed, sealed and enrolled as By-laws:

A-27, A-28, A-29, A-30, A-31, A-32.

C-28, C-29, C-30.

D-24, D-25.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Agostino, Eisenberger, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -17.

NAYS: -0.

CARRIED.

* * * * *

City Council then adjourned at 8:50 o'clock p.m.

* * * * *

Taken as read and approved.

MAYOR R. M. MORROW

S. G. Hollowell, Acting City Clerk
1995 April 11

SGH/dg

CORRESPONDENCE

Correspondence:

1. Letter dated 1995 April 12 from A. F. Davidson, Superintendent of Finance for the Hamilton-Wentworth Roman Catholic Separate School Board advising of the mill rates.

Recommendation:

Be Received.

2. Letter dated 1995 April 11 from Harp Homes Inc. (Martin Mazza) and Lawrence Vasilak, for changes in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for Blocks "1", "4" and "5", "C" (Urban Protected Residential, etc.) District to "RT-30" (Street Townhouse) District for Block "2", and "AA" (Agricultural) District to "RT-30" (Street Townhouse) District for Block "3", for lands located at Nos. 1471 and 1493 Upper Sherman Avenue, Hamilton, Ontario.

Recommendation:

Be Received.

The Hamilton-Wentworth Roman Catholic Separate School Board
Le Conseil des écoles séparées catholiques romaines de Hamilton-Wentworth

90 MULBERRY ST., P.O. BOX 2012 HAMILTON, ONTARIO, CANADA L8N 3R9
TEL (905) 525-2930 FAX (905) 525-1724

1.

SEPARATE SCHOOL BOARD

FAX 546-2095

April 12, 1995

J.J. Schatz
City Clerk
City Hall
71 Main St. West
Hamilton, Ontario
L8N 3T4

Dear Sir:

Pursuant to the Board meeting of April 4, 1995, I enclose a copy of the approval to match the mill rates set by The Board of Education for the City of Hamilton, namely 197.4266 mills, Residential and 232.2666 mills Commercial and Business.

By our calculations, this yields a total levy of:

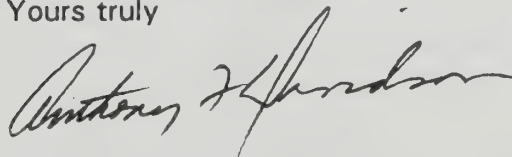
	\$ 34,001,319	Residential
	<u>20,865,653</u>	Commercial
Grand Total	<u>\$ 54,866,972</u>	

The above requisition is based upon the same mill rates established by the Board of Education for the City of Hamilton. Our Operations Management Committee approved this policy on March 27, 1995 and the Board on April 4, 1995.

I do not have the Elementary and Secondary school mill rates from the Board of Education for the City of Hamilton as yet.

I trust this is the information you require.

Yours truly



A.F. Davidson
Superintendent of Finance

/GS
Enc.

OFFICE OF THE CITY CLERK	
APR 18 1995	
REC. BY: <u>238</u>	DATE
REF'D. TO	DATE
REF'D. TO	DATE
REF'D. TO	DATE
ACTION: <u>For City Council</u>	
CC: <u>A. ROSS - TREASURER</u>	

P.S. In a telecon with the Hamilton Board of Education this afternoon, the mill rates for Elementary is 120.0501 and Secondary 77.3765, for a total of 197.4266.

"BELIEVING, ACHIEVING, SERVING"
"CROIRE, RÉUSSIR, SERVIR"

The following motion was passed by The Hamilton-Wentworth Roman Catholic Separate School Board on April 4, 1995:

MOTION

THAT THE BOARD MATCH THE OVERALL MILL RATES OF THE BOARD OF EDUCATION FOR THE CITY OF HAMILTON AND THE WENTWORTH COUNTY BOARD OF EDUCATION FOR 1995.

THE HAMILTON-WENTWORTH ROMAN CATHOLIC

SEPARATE SCHOOL BOARD

REVENUE FUND ESTIMATES

MILL RATES

1995

				ON A HOME ASSESSED AT \$5,000.	
	ACTUAL 1995	ACTUAL 1994	%	1995	1994
<u>HAMILTON</u>	<u>197.4266</u>	<u>190.198</u>	<u>3.80</u>	\$ 987.13	\$ 950.99
<u>WENTWORTH COUNTY</u>					
Ancaster	294.722	280.180	5.19	\$ 1,473.61	\$ 1,400.90
Dundas	240.922	231.378	4.12	\$ 1,204.61	\$ 1,156.89
Flamborough	283.123	274.020	3.32	\$ 1,415.62	\$ 1,370.10
Glanbrook	248.525	242.190	2.62	\$ 1,242.63	\$ 1,210.95
				ON A HOME ASSESSED AT \$6,840	
Stoney Creek	<u>150.781</u>	<u>144.340</u>	<u>4.46</u>	\$ 1,031.34	\$ 987.29
<u>MEAN MILL RATE WENTWORTH COUNTY</u>	<u>214.020</u>	<u>204.336</u>	<u>4.74</u>		

ASSESSMENT

ASSESSED VALUE

3300827891
1446996356
66444883
19157215
1183791910
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18968352
63521375
27303
1284384232

RESIDENTIAL PUBLIC
RESIDENTIAL SEPARATE PUBLIC
RESIDENTIAL GRANT SEPARATE PUBLIC
RESIDENTIAL GRANT SEPARATE PUBLIC
COMMERCIAL SEPARATE
GRANT PART NO SUPPORT
GRANT FULL PUBLIC
GRANT FULL SEPARATE
EXEMPT NO GRANT NO SUPPORT
BUSINESS PUBLIC
BUSINESS SEPARATE
GRANT BUSINESS PART NO SUPPORT
GRANT BUSINESS FULL PUBLIC

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7719838611

*** MUNICIPALITY TOTAL ***

1256658247

1 MILL:

\$ 797,855,891

\$ 2,477,910,735

\$ 107,571,626

% TAXABLE Assmt

74.2%

25.8%

100.0%

Enrolments

68.0%

32.0%

100.0%

$$\text{Before 1 mill} = \text{Pca. Assmt} + [\text{Comm} + \text{Bies} \div .85]$$

REPORT OF THE PARKS AND RECREATION COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Parks and Recreation Committee presents its **TENTH** Report for 1995 and respectfully recommends:

1.
 - (a) That City Council express its sincere appreciation to the Executive and its volunteers, including the Games Chairperson, and the Games Treasurer, for their outstanding achievements in hosting this most successful event; and,
 - (b) That, as the City will not be sending a team to the 1995 International Children's Games in Slovenia due to political and economic problems in that country, funds in the amount of \$50,000. in Account No. CH55201 78211 be set aside to assist with the preparation of this City's bid for the Canada 2001 Summer Games, should Council decide to proceed; and,
 - (c) That the surplus from the Children's Games of \$42,504. be placed in an account to assist with the preparation of this City's bid for the Canada 2001 Summer Games.
2.
 - (a) That City Council authorize the Director of Culture and Recreation to evaluate the feasibility of the architectural drawings for the Olympic Park Indoor Bocce Courts/baseball clubhouse project in conjunction with the West Mountain Baseball Association and West Mountain Bocce Association; and,
 - (b) That City Council authorize the Treasurer and the Director of Culture and Recreation to provide payment to Zebroski Associates Ltd. Architects for services rendered in the design of the project in an amount not to exceed \$14,600.30, with said funds drawn from the City's contribution of \$123,000. (Account No. CF 629254004) and to issue an Income Tax receipt to the architect for donated services in the amount of \$2,170.; and,
 - (c) That City Council authorize the Director of Culture and Recreation and the City Solicitor to draft the necessary agreements to clarify responsibilities and obligations of the parties relative to this project; and,
 - (d) That the Director of Culture and Recreation be directed to report on the status of this review of feasibility within 90 days.

3. That approval be given to the Director of Culture and Recreation, on behalf of the City, to apply for a grant under The Social Services Employment Program (S.S.E.P.) of the Ontario Training and Adjustment Board, to hire a Museum Preparator for the Hamilton Children's Museum at 35 hours a week for a period of one year.
4. That approval be given to the Director of Culture and Recreation, on behalf of the City, to apply for two Summer Employment Experience Program (S.E.E.P.) Grants with the Ontario Training and Adjustment Board, to hire an Education Assistant for the Hamilton Children's Museum and a Museum Clerk for the Hamilton Museum of Steam and Technology respectively, for a period of 10 weeks at 35 hours a week.
5. That approval be given to the Director of Culture and Recreation on behalf of the City to apply for a grant under the Federal Department of Employment and Immigration Section 25 program to hire three Museum Assistants (two for the Hamilton Museum of Steam and Technology and one for the Hamilton Children's Museum) and a Museum Preparator for the Children's Museum for a period of up to one year.
6.
 - (a) That approval be given to the Director of Culture and Recreation, on behalf of the City, to apply for a Collections Support Grant under the Federal Department of Communications Museum Assistance Program for funding up to an amount of \$40,000. for site security and safety upgrades being undertaken during the second phase of the Dundurn Castle Restoration; and,
 - (b) That any funding received be treated as revenues in addition to the City's capital budget commitment.
7.
 - (a) That approval be given to the Director of Culture and Recreation on behalf of the City to enter into negotiations with staff from Procter and Gamble and interested individuals to acquire a circa 1919 Ammonia Compressor currently located in the Hamilton Procter and Gamble plant; and,
 - (b) That staff develop a proposed plan to house the artifact in a purpose built structure on the museum grounds.
8. That approval as required by Section 26 of Fireworks By-law No. 90-198 and Section 6 1(d) of the Parks By-law No. 77-221 be granted to the Racalmutese Maria S.S. Del Monte Ontario Inc. to hold a fireworks display at Harbourfront Park on Sunday 1995 June 25, no later than 10:30 o'clock p.m. in honour of Maria Santissima Del Monte, subject to the following terms and conditions:

- (a) That a licensed operator be responsible for carrying out the fireworks display; and,
 - (b) That the Racalmutese Maria S.S. Del Monte Ontario Inc. have in place \$5 million Comprehensive General Liability Insurance for Property Damage and Bodily Injury, naming the City as co-insured with a cross liability endorsement; and,
 - (c) That a Special Duty Officer as deemed necessary by the Hamilton-Wentworth Regional Police, be provided at the event organizer's expense; and,
 - (d) That the applicant assume the responsibility for all labour-related costs as a result of this the event including set up and clean up; and,
 - (e) That the terms and conditions be reviewed and monitored by the Special Events/Festival Advisory Team.
9. That approval, as required by Section 11 (1) of the Fireworks By-Law No. 90-198, be given to the Durand Neighbourhood Association to hold a Family Style Fireworks Display at Durand Park 1995 May 22, subject to the following terms and conditions:
- (a) That proof of \$5 million Comprehensive General Liability Insurance for Property Damage and Bodily Injury, naming the Corporation of the City of Hamilton as co-insured be provided to the City of Hamilton at least 20 days prior to 1995 May 22; and,
 - (b) That Durand Neighbourhood Association comply with all sections of By-law No. 90-198; and,
 - (c) That the Durand Neighbourhood Association agree to indemnify the Corporation of the City of Hamilton for any bodily injury or property damage caused by the fireworks display.
10. That authorization be given to enter into a License Agreement satisfactory to the City Solicitor between the Corporation of the City of Hamilton and Lloyd D. Jackson Square for use of mall space by members of the Hamilton Seniors' Centre and Sackville Hill Seniors' Recreation Centre to promote Seniors programs as well as National Tap Dance Day each Saturday during the month of May.

11. That approval, as required by Section 20 (1) (4) of the Parks By-law No. 77-221, be given to the Canadian Hearing Society to allow an animal in a public park specifically inside Bernie Arbour Stadium on Sunday 1995 May 7, subject to the following terms and conditions:
- (a) That proof of \$2 million Comprehensive General Liability Insurance for Property Damage and bodily Injury is to be submitted 30 days in advance, naming the City of Hamilton as co-insured with a cross liability endorsement; and,
 - (b) That the applicant assume responsibility for all labour charges associated with the event (set-up, dismantling, clean-up, etc.); and,
 - (c) That a Special Duty Officer if deemed necessary by the Hamilton-Wentworth Regional Police be provided at the applicant's expense; and,
 - (d) That the Concessionaire be contacted to make the necessary arrangements for the provision of food at that location; and,
 - (e) That the Hamilton Society for the Prevention of Cruelty to Animals (H.S.P.C.A.) be advised of this event and be invited to attend in order to monitor the event activities.
12. (a) That approval, as required by Section 24 (1) and Section 5 (b) and Section 11 (1) of the Parks By-law No. 77-221, be given to the organizations as follows:
- Food and Non-Alcoholic Beverages and Barbecue at a City Park:
- (i) CYO Athletic Program - 1995 June 9, 10 and 11 - Turner Park
 - (ii) Hamilton Challenger Baseball Association - 1995 May 13 - Huntington Park
 - (iii) Psychiatric Rehabilitation Programme - 1995 June 21 - Gage Park; and,
- Food and Non-Alcoholic and Alcoholic Beverages, and Barbecue at a City Park
- (i) Hamilton Police Association - 1995 July 15 and 16 - Turner Park
 - (ii) Hamilton Wildcats Australian Rules Football - 1995 May 13 - Mohawk Sports Complex; and,

- (b) That approval for the above to sell or provide food and non-alcoholic and/or alcoholic beverages, and/or barbecue at those locations and dates subject to the following terms and conditions:
- (i) That proof of \$2 million Comprehensive General Liability Insurance for Property Damage and bodily Injury and proof of \$5 million Liquor Licence Liability Insurance to be submitted 30 days in advance, naming the City as co-insured with a cross liability endorsement; and,
 - (ii) That the applicant assume responsibility for all labour charges associated with the event (set-up, dismantling, clean-up, etc.); and,
 - (iii) That alcoholic beverages be served in a confined area of the Park upon receipt of approval of the Liquor Licence Board; and,
 - (iv) That a Special Duty Officer as deemed necessary by the Hamilton-Wentworth Regional Police be provided at the applicant's expense; and,
 - (v) That those organizers and their workers who are providing Alcoholic beverages be encouraged to participate, on a voluntary basis, in a "Server Intervention Training Program".
13. (a) That approval as required by Parks By-law No. 77-221 Section 5 (b), Section 11, Section 12, Section 20 (4) and Section 24 (1), be given to the organizations as follows:
- Food, Non-Alcoholic Beverages, Barbecue, Solicit donations and Animals in a Park
- (i) International Christian Bikers Association - Dundurn Park Pavilion - 1995 May 6
 - (ii) Scouts Canada - Harbourfront Park 1995 May 13
 - (iii) Hamilton Philharmonic Orchestra - Gage Park Bandshell 1995 May 21
 - (iv) Wesley Urban Ministries - Pier 4 Park and Harbourfront 1995 June 4
 - (v) Hamilton Wentworth Regional Police Law Enforcement - Gore Park 1995 June 8
 - (vi) People in Partnership '95 - Pier 4 Park 1995 June 11
 - (vii) Ronald McDonald House - Harbourfront Park 1995 June 18
 - (viii) Black Women Business and Professional Association - Dundurn Park Pavilion June 18
 - (ix) Centre Francais Hamilton Inc. - Pier 4 Park 1995 June 24

- (b) That the above-noted be subject to the following terms and conditions:
 - (i) That proof of \$2 million dollars Comprehensive General Liability Insurance for Property Damage and Bodily Injury to be submitted 30 days in advance, naming the City as co-insured with a cross liability endorsement; and,
 - (ii) That the applicant assume responsibility for all labour charges associated with the event (set-up, dismantling, clean-up, etc.); and,
 - (iii) That a Special Duty Officer as deemed necessary by the Hamilton-Wentworth Regional Police be provided at the applicant's expense; and,
 - (c) That the event will be monitored by the City's Special Events/Festival Advisory Team; and,
 - (d) That the Public Works Parks Vendors Program Vendor be allowed to remain open throughout the events.
15. (a) That approval as required by Parks By-law No. 77-221, Section 5, Section 11 and Section 20 (1) be granted to the North End Children's Centre barbecue, to sell food and non-alcoholic beverages and to have animals in the park during the Rainbow Festival, 1995 July 7 to July 9 inclusive, in Harbourfront Park, subject to the following terms and conditions:
- (i) That proof of \$3 million Comprehensive General Liability Insurance for Property Damage and Bodily Injury to be submitted 30 days in advance, naming the City as co-insured with a cross liability endorsement; and,
 - (ii) That the applicant assume responsibility for all labour charges associated with the event (set-up, dismantling, clean-up, etc.); and,
 - (iii) That a Special Duty Officer as deemed necessary by the Hamilton-Wentworth Regional Police be provided at the applicant's expense; and,
- (b) That the event be monitored by the City's Special Events/Festival Advisory Team, with a post-event report submitted to Committee.

16. (a) That permission be granted as required by Parks By-law No. 77-221 Section 32 (1), to Cruzaders Classic Car Club of Hamilton to use Pier 4 Park to park cars for their "50's Flashback Cruise Nights" that are being held on the following dates:
- (i) 1995 May 19 and 26
 - (ii) 1995 June 2, 9, 16, 23, 30
 - (iii) 1995 July 7, 28
 - (iv) 1995 August 4, 11, 18, 25
 - (v) 1995 September 1, 8, 15; and,
- (b) That the above-noted be subject to the following terms and conditions:
- (i) That proof of \$2 million Comprehensive Liability Insurance for Property Damage and Bodily Injury be provided, same to be submitted 30 days in advance of the event, naming the City as co-insured with a cross liability clause; and,
 - (ii) That the applicant assume responsibility for all labour related charges associated with the event, (set-up, dismantling, clean-up, etc.); and,
 - (iii) That Special Duty Officers as deemed necessary by the Hamilton-Wentworth Regional Police be provided at the applicant's expense; and,
 - (iv) That the Public Works Department Street Vendors Program, vendors at Pier 4 Park be allowed to remain open throughout the event; and,
 - (v) That the terms and conditions be reviewed and monitored by the Special Events/Festival Advisory Team.
17. That approval as required by Parks By-law No. 77-221, Section 10, 3 (a) be granted to the organizers of the March for Jesus Parade to use Harbourfront Park for a Prayer Rally from 11:00 o'clock a.m. to 12:00 o'clock noon and from 2:00 o'clock p.m. to 3:00 o'clock p.m. immediately following the March for Jesus Parade, being held 1995 May 27, are subject to the following terms and conditions:
- (a) That proof of \$3 million Comprehensive Liability Insurance for Property Damage and Bodily Injury be provided, same to be submitted 30 days in advance of the event and naming the City as co-insured with a cross liability endorsement; and,
 - (b) That the applicant assume responsibility for all labour related charges associated with the event (set-up, dismantling, clean-up, etc.); and,

- (c) That Special Duty Officers as deemed necessary by the Hamilton-Wentworth Regional Police be provided at the applicant's expense; and,
 - (d) That the event be monitored by the City's Special Events/Festival Advisory Team, with a post-event report back to Committee.
18. (a) That City Council grant free use to Mr. and Mrs. James Edworthy for the community room at Lawfield Arena on 1995, May 6, from 8:00 o'clock p.m. to 1:00 o'clock p.m., for the purposes of holding a fundraising dance for the purchase of a wheelchair for a neighbour's child subject to the following terms and conditions:
- (i) That this approval be subject to the applicant applying for and receiving a Special Occasion Permit for this time and location; and,
 - (ii) That proof of \$5,000,000. liquor licence liability insurance to be submitted at least one week prior to this function naming the City as co-insured with a cross liability endorsement; and,
 - (iii) That those organizers and their workers who are providing alcoholic beverages be encouraged to participate, on a voluntary basis, in a " Server Intervention Training Program"; and,
 - (iv) That any overtime charges incurred by staff be paid by the applicant; and,
- (b) That the Director of Culture and Recreation be authorized to review the function of these rooms and report back with a policy on the terms and conditions under which future rentals will be accommodated.
19. That approval be granted to the International Society of Arboriculture to use Gage Park to host the "Tree Climbing Jamboree", 1995 June 10 from 8:00 o'clock a.m. to 5:00 o'clock p.m., with a rain date of 1995 June 11 subject to the following terms and conditions:
- (a) That insurance, in the amount of \$2 million, Comprehensive General Liability Insurance for Property Damage and Bodily Injury, subject to cross liability, and 30 days notice of cancellation, be provided; and,
 - (b) That the applicant assume responsibility for all labour-related costs as a result of this event i.e. clean-up; and,

- (c) That the terms and conditions be reviewed and monitored by the Special Events/Festival Advisory Team.
20. That approval as required by Parks By-law No. 77-221, Section 32 be granted to the Hamilton Wentworth Creative Arts Inc. to use Kay Drage Park for parking of vehicles for the Earthsong Festival that is being held at Princess Point on 1995 June 30 to July 3 inclusive, subject to the following terms and conditions:
- (a) That proof of \$3 million Comprehensive Liability Insurance for Property Damage and Bodily Injury be provided, same to be submitted 30 days in advance of the event and naming the City as co-insured with a cross liability endorsement; and,
 - (b) That the applicant assume responsibility for all labour related charges associated with the event, (set-up, dismantling, clean-up, etc.); and,
 - (c) That Special Duty Officers as deemed necessary by the Hamilton-Wentworth Regional Police be provided at the applicants expense; and,
 - (d) That the terms and conditions be reviewed and monitored by the Special Events/Festival Advisory Team.
21. That permission be granted to The Dragon Boat Races International Inc. to use Harbourfront Park for the Dragon Boat Racing Competition to be staged on Saturday 1995 June 10 and Sunday 1995 June 11 subject to the following conditions:
- (a) That proof of the following insurance be provided and submitted thirty (30) days prior to the event, indicating the City as the additional insured, subject to a cross liability clause and satisfactory to the City Solicitor:
 - (i) Comprehensive General Liability in the amount of \$5 million per occurrence including various hazards, satisfactory to the City; and,
 - (ii) Owned and Non-Owned Watercraft Liability to a minimum of \$5 million per occurrence; and,
 - (iii) Garage Liability in the amount of \$5 million per occurrence; and,
 - (iv) Tenant Legal Liability in the amount of \$5 million per occurrence; and,

- (v) Insurance, in the amount of \$5 million, Comprehensive General Liability Insurance for Property Damage and Bodily Injury, subject to cross liability, and 30 days notice of cancellation, be provided; and,
 - (b) That Dragon Boat Races International enter into a Licence Agreement satisfactory to the City Solicitor; and,
 - (c) That Special Duty Officers and/or Marine Police as deemed necessary by the Hamilton-Wentworth Regional Police be provided at the applicant's expense; and,
 - (d) That the application notify and adhere to the regulations of the Hamilton Harbour Commission; and,
 - (e) Event organizers adhere to the Public Works/Parks Division Signage Guidelines/specifications for advertising and promotion events; and,
 - (f) That the Public Works Department Street Vendors program at Pier 4 Park and Harbourfront Parks be allowed to remain open throughout the event; and,
 - (g) That the event be monitored by the City's Special Events/Festival Advisory Team, with a post-event report submitted to Committee.
22. That approval as required by Parks By-law No. 77-221, Section 32 be granted to the St. Nicholas Serbian Orthodox Church to use the undeveloped portion of city-owned lands north of 149 Nash Road for parking of vehicles for the S.N.F. Basketball Tournament, that is being held at McMaster University 1995 May 18 - 21 inclusive, subject to the following terms and conditions:
- (a) That proof of \$2 million Comprehensive Liability Insurance for Property Damage and Bodily Injury be provided, same to be submitted 30 days in advance of the event and naming the City as co-insured with a cross liability endorsement; and,
 - (b) That the applicant assume responsibility for all labour related charges associated with the event, (set-up, dismantling, clean-up, etc.); and,
 - (c) That Special Duty Officers as deemed necessary by the Hamilton-Wentworth Regional Police be provided at the applicant's expense; and,
 - (d) That the terms and conditions be reviewed and monitored by the Special Events/Festival Advisory Team.

23. That approval, as required by Section 5(b) and Section 11 (a) and (c) of Parks By-law No. 77-221 be given to the Crown Point Community Council to barbecue, sell food and merchandise at a summer celebration at St. Christopher's Park on 1995 June 3 subject to the applicant providing the City of Hamilton proof of \$2 million Comprehensive General Liability Insurance for Property Damage and Bodily Injury, naming the Corporation of the City of Hamilton as co-insured.
24. That approval be granted to The Elizabeth Fry Society to rent the ice at Lawfield Arena on 1995 May 12, from 1:00 o'clock p.m. to 3:00 o'clock p.m. at the subsidized rate of \$35. per hour for the purposes of holding a children's skate.
25. That permission be granted to charge green fees on a buy three (3) get one (1) free basis for the Hamilton Tiger Cat Alumni Association Annual Golf Tournament to be held at either Chedoke or King's Forest Golf Course, 1995 June 6, June 7 or June 8 (exact day and location to be determined).
26. That permission be granted to charge green fees on a buy two (2) get one (1) free basis for a charity golf tournament for the Heart and Stroke Foundation to be held at the Chedoke Golf Course on 1995 June 29.
27. That permission be granted to waive the green fees for the Canadian Cancer Society's "Longest Day of Golf" to be played on 1995 June 21 at King's Forest and Chedoke Golf Courses.
28.
 - (a) That permission be granted to defer rental fees for two sets of portable bleachers for the VE Day Celebrations Parade to be held 1995 May 8; and,
 - (b) That the applicant assume responsibility for all labour and equipment charges associated with set-up and dismantling of the portable bleachers; and,
 - (c) That the City Solicitor prepare a rental agreement between the Parade Committee and the City satisfactory to the Board of Education.
29. That a purchase order be issued to Graybar Electric (Ontario) Ltd., Hamilton for the supply and delivery of light fixtures as and when required during 1995 for various parks being the lowest of three tenders received in accordance with specifications C15-2-95 issued by the Purchasing Division and Vendor's tender and be financed from Stock Account CH56197 60999.

30. (a) That the City of Hamilton lease from the Regional Municipality of Hamilton-Wentworth approximately 3.2 hectares of Regional land on top of the Garth Street Water Reservoir for parks purposes; and,
- (b) That the Lease contain the following terms and conditions:
- (i) Term - Commences 1995 May 15 and terminates 1998 May 14; and,
 - (ii) Rental Rate - \$1. per year plus taxes, if any, to be credited to Account No. CH5X921 00102 (Reserve for Property Purchases - Parks); and,
 - (iii) All costs for construction and maintenance (including grass cutting of the leased area - 3.2 hectares,) are the responsibility of the City; and,
 - (iv) The City shall not interfere with the Region's operation of the Water Reservoir located on the said land; and,
 - (v) All construction drawings shall be subject to approval of the Commissioner of Transportation and Environmental Services prior to commencement of construction; and,
 - (vi) the Lease shall be in a form satisfactory to the City Solicitor; and,
- (c) That the Mayor and City Clerk be authorized and directed to execute the Lease; and,
- (d) That staff be authorized to construct a cricket pitch, a mini soccer field, parking area and temporary storage building at the Garth Street Water Reservoir.
31. (a) That a legal agreement satisfactory to the City Solicitor be entered into between the City of Hamilton and the Federal Department of Fisheries and Oceans such that the City will undertake landscape planting for the lands adjacent to the carp barrier/fishway access roadway; and,
- (b) That the Treasury Department establish an account to which the Federal Department of Fisheries and Oceans funds will be deposited; and,
- (c) That the Mayor and the City Clerk execute the contract on behalf of the City.

32. (a) That a legal agreement satisfactory to the City Solicitor be entered into between the City of Hamilton and the Federal Department of Fisheries and Oceans such that the City will construct the electrical power feeders 600/247V for the carp barrier/fishway at the Desjardins Canal; and,
- (b) That the Treasury Department establish an account to which the Federal Department of Fisheries and Oceans funds will be deposited; and,
- (c) That the Mayor and the City Clerk execute the contract on behalf of the City; and,
- (d) That the City of Hamilton enter into easement agreements with the Royal Botanical Gardens, C.P. Rail and Ministry of Transportation to permit construction of the hydro service across their respective lands; and,
- (e) That a purchase order be issued to Ark-Tech Contracting Ltd. in the amount of \$102,829.85 including all taxes, and a contingency allowance to supply and install the power feeders, 600/247V for the carp barrier/fishway at the Desjardins Canal.
33. (a) That staff be authorized to proceed with the redevelopment of Kay Drage Park consisting of the following components: expansion to an existing parking lot, construction of two new parking areas, relocating an existing soccer field and construction of two new ball diamonds; and,
- (b) That a maximum of \$3,500. be allocated from the current Account No. CH62112 - Ball Diamonds - Maintenance Section, for the construction of the baseball infields.
34. (a) That the City of Hamilton lease from the Hamilton Board of Education 3.83 ha. (more or less) of land fronting on the south side of Broughton Avenue within the Broughton East Neighbourhood as outlined in Appendix "A" for the sum of \$1. per annum for a term of 10 years, for use as park land; and,
- (b) That an area of the leased site, measuring 85m x 50m located at the north-east corner of the subject site, be developed as a neighbourhood park component and include the following components: multi-purpose court, creative play structure and swing area, spray pad, drinking fountain, sun shelter, asphalt pathways, lights and site furniture; and,
- (c) That the lease incorporate the following terms:
- (i) The neighbourhood park development be restricted to the said north-east corner measuring 85m x 50m; and,

- (ii) The City may terminate the lease on six month's notice; The Board of Education may terminate the lease on six months' notice if the land is required in the future for Board purposes, and in such an event, the City's construction shall be removed by/at the City's expense, unless otherwise agreed by the City and the Board; and,
 - (iii) The City shall grade and seed the complete site for active use such as soccer and baseball; and,
 - (iv) All costs for construction and maintenance are the responsibility of the City of Hamilton; and,
 - (v) All construction drawings shall be submitted to the Board for revision and acceptance prior to commencement of construction; and,
 - (vi) The City shall maintain public liability insurance; and,
 - (d) That the City Solicitor be authorized and directed to prepare the Lease for this park and that the Mayor and City Clerk be authorized and directed to execute the Lease.
35. (a) That the City of Hamilton construct a Volleyball Court in the south-east corner of Scott Park adjacent to Scott Park Secondary School; and,
- (b) That a maximum of \$2,000. be allocated from current Account No. CH62102 - General Park Maintenance for construction of the volleyball court.
36. (a) That the City of Hamilton terminate the Lease Agreement at Main Street West and Ewen Road with Ontario Hydro; and,
- (b) That the existing billboard be sold to Mediacom Inc. for the sum of \$1. and proceeds be credited to Account No. CH5X923 00102 (Reserve for Property Purchases - Other Expenses Transportation); and,
- (c) That the City Solicitor be authorized and directed to discharge this Lease Agreement with Ontario Hydro and execute a Release with Mediacom Inc.

37. That in respect of the temporary drainage easement granted to the City by Chedoke Health Corporation on 1992 February 26 (Instrument No. 112390) for drainage of the Twin Pad Arena site on Chedmac Drive, that the Mayor and City Clerk be authorized and directed to execute documents necessary, in a form satisfactory to the City Solicitor, to release that portion of the City's drainage easement not required for Twin Pad Arena drainage, described as Part 2, 62R-13157.
38. That the registration fee for the Department of Culture and Recreation Summer Rowing Instruction Program be increased from \$35. to \$50.
39. (a) That approval be given for the selection of Tor Lukasik-Foss as the commissioned artist for the Lawfield Arena mural project; and,
- (b) That approval be given for the amount of \$2,400. to be the City's portion of the project, funded from Account No. CF5200 709441025 of the Public Art Programme Budget.
40. That approval be granted to the Hamilton Hornets Rugby Football Club to sell alcoholic beverages on the following dates, by Special Occasion Permits only, and in accordance with the terms and conditions of the Licence Agreement, between the City and the Club, as approved by City Council at its meeting of 1995 March 28.
- | | | |
|-----|---------------------------------|-----------------------------|
| (a) | Saturdays, May 6, 13, 27 | 1:00 p.m. to 9:00 p.m. |
| (b) | Monday May 15 | 4:00 p.m. to 12:00 midnight |
| (c) | Wednesday June 7 | 6:00 p.m. to 10:00 p.m. |
| (d) | Saturdays June 3, 17, 24 | 1:00 p.m. to 9:00 p.m. |
| (e) | Saturdays July 8, 15, 22 | 1:00 p.m. to 9:00 p.m. |
| (f) | Saturdays August 5, 12, 19, 26 | 1:00 p.m. to 9:00 p.m. |
| (g) | Saturdays September 9, 23, 30 | 1:00 p.m. to 9:00 p.m. |
| (h) | Saturdays October 7, 14, 21, 28 | 1:00 p.m. to 9:00 p.m. |
| (i) | Saturday November 4 | 1:00 p.m. to 9:00 p.m. |
41. (a) That approval as required by Parks By-law No. 77-221 Section 11 (c) be granted to Adventure Attic to host the Annual Tent Display, 1995 May 12 to 13, in Gore Park, subject to the following terms and conditions:
- (i) That proof of \$3 million dollars Comprehensive General Liability Insurance for Property Damage and Bodily Injury be submitted 30 days in advance, naming the City as co-insured with a cross liability endorsement; and,

- (ii) That the applicant assume responsibility for all labour charges associated with the event (set-up, dismantling, clean-up, etc.); and,
 - (iii) That Special Duty Officers as deemed necessary by the Hamilton-Wentworth Regional Police be provided at the applicant's expense; and,
 - (b) That the event be monitored by the City's Special Events/Festival Advisory Team.
- 42.
- (a) That approval be given to proceed with the replacement of the walkways in Gore Park from James Street South to Catharine Street South with concrete paving as shown on the concept drawings attached as Appendix B"; and,
 - (b) That approval be given to remove the armourstone wall for its full length and fill in the depressed grass bowl in the centre of the first block to accommodate the recreation of the original fountain by The Head-of-the-Lake Historical Society; and,
 - (c) That approval be given to relocate the eight (8) trees in the first block between James Street North and Hughson Street North, as shown on the drawing attached as Appendix "C", to municipal properties, and that new trees be used to replace the relocated trees; and,
 - (d) That approval be given to remove the existing fountain on the west side of Hughson Street and reconstruct this area with a flower bed as shown on the drawing attached as Appendix "B"; and,
 - (e) That the Regional Municipality of Hamilton-Wentworth be requested to tender and inspect the work in Gore Park as part of their contract for the reconstruction of the south leg of King Street East between Hughson Street and John Street, and that the costs for the construction work and engineering services be charged to Capital Account No. CF5200 629543010.
 - (f) That staff be directed to hold a public information session in order that the general public be made aware of the proposed alterations to Gore Park.
43. That staff be authorized to proceed with application under the Hamilton-Wentworth and Niagara Inter-Regional Trails Program to secure Provincial funding towards the expansion of the City's Trail network.

1995 April 25

44. That staff from the Culture and Recreation Department (Culture Division) and Public Works Department (Parks Division) be authorized to explore with relevant stakeholder groups potential permanent locations for the Dundurn Aviary in the Harvey Park and Dundurn Park Area.
45. (a) That the "Stable Washrooms" be closed during the construction period of the Dundurn Castle Phase Two Restoration Project commencing 1995 May 1; and,
- (b) That staff be directed to design washrooms which are accessible to the general public as part of the overall restoration project; and,
- (c) That temporary public washroom facilities be provided at Dundurn Castle during the construction period of the Restoration project.

Respectfully Submitted,

**ALDERMAN T. JACKSON, CHAIRPERSON
PARKS AND RECREATION COMMITTEE**

**Kevin C. Christenson
Secretary**

1995 April 18



PUBLIC SCHOOL BOARD
PROPERTY



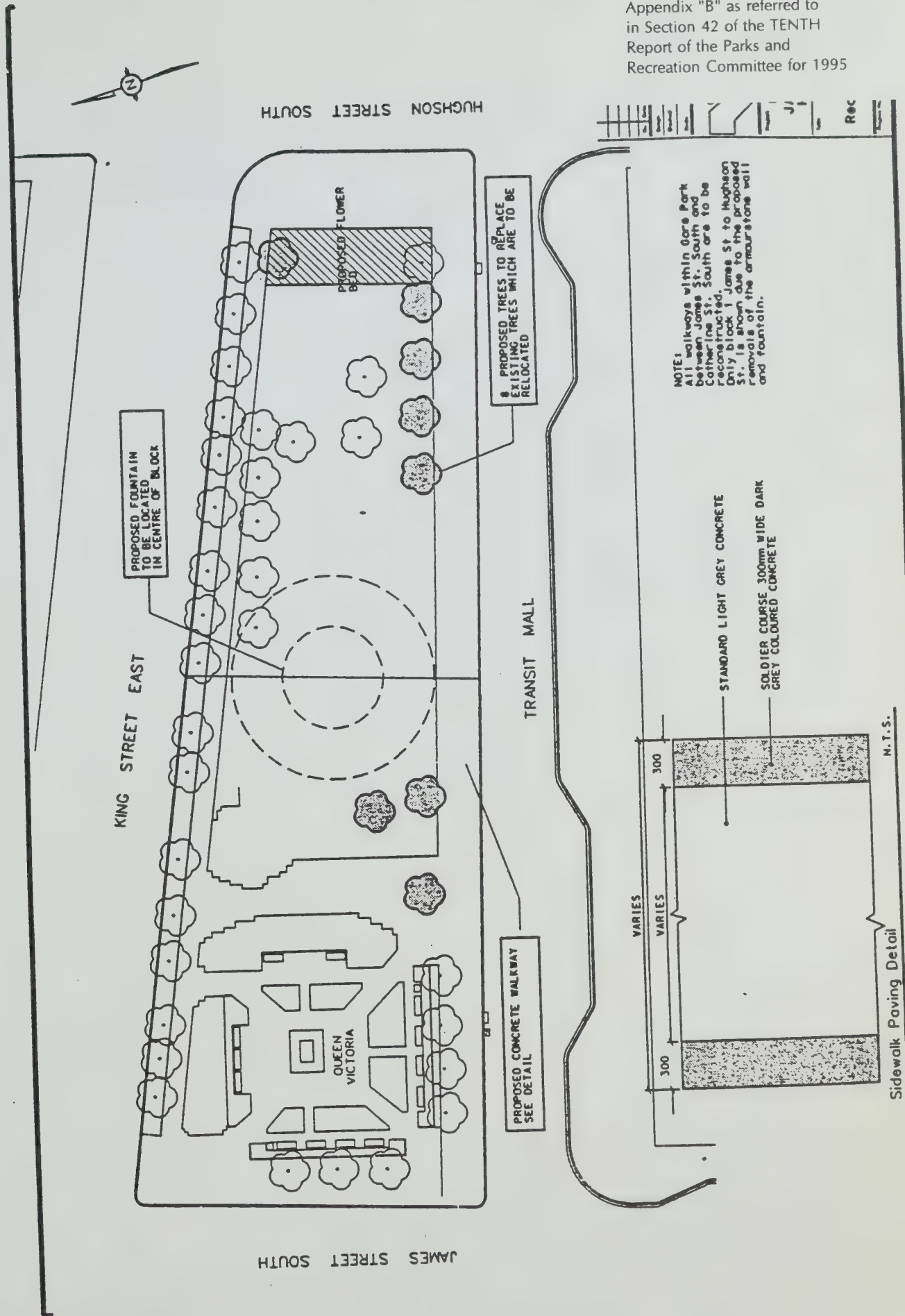
PUBLIC SCHOOL BOARD PROPERTY

Title

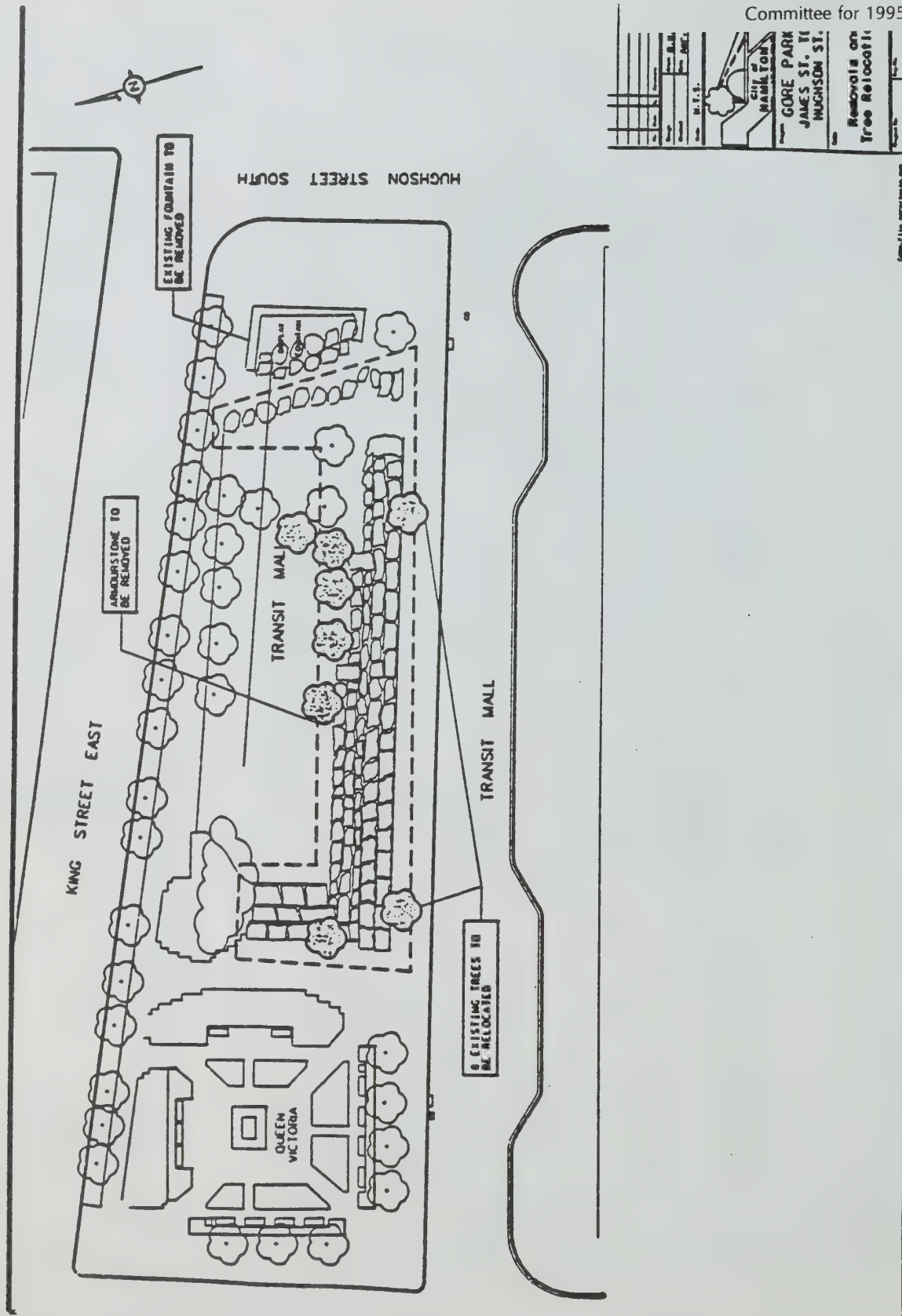
Date APRIL 95

Scale M.T.S.

Dwg. No.



Appendix "C" as referred to in Section 42 of the TENTH Report of the Parks and Recreation Committee for 1995



1995 April 25

REPORT OF THE FINANCE AND ADMINISTRATION COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Finance and Administration Committee presents its **TWELFTH** Report for 1995 and respectfully recommends:

1. That approval be given to the actions taken by the City Clerk in approving the use of the City Hall Council Chambers and the Aldermen's Lounge on 1995 May 1 - 5 inclusive, for Hearings before the Umpire (a Federal Court of Canada Judge), between the hours of 9:00 o'clock a.m. to 3:00 o'clock p.m. each day.
2.
 - (a) That approval be given to issue a purchase order in the amount of \$235,400. inclusive of G.S.T., (\$15,400.), to commission Solar Roofing and Sheet Metal Ltd. of Toronto, for the replacement of the roof at the Mountain Arena, being the lowest price of seven quotes received in accordance with the specifications issued by the Manager of Purchasing; and,
 - (b) That as the re-roofing of Mountain Arena could take up to 12 weeks to complete, and that this project must commence on or about 1995 May 3, in order to facilitate a Lacrosse tournament that is scheduled to start on 1995 August 1, and in order to meet this time line the selected Contractor must have a Purchase Order immediately so that he can place an order for the required materials. The above has been processed through the emergency procedures of the City of Hamilton Purchasing Policy that states, "An order can be placed upon the approval of two of the following, the Mayor, an appropriate Committee Chairman, the Chief Administrative Officer and that any action taken under this provision to be reported to the next regular meeting of City Council; and,
 - (c) That the Mayor and City Clerk be authorized to execute a contract in a form satisfactory to the City Solicitor.
3. That the following properties be declared surplus to the requirements of the City in accordance with the Realty Sales Procedural By-law No. 95-049:
 - (a) Parts 1, 3, 4 and 5 on Plan 62R-12941 Lake Avenue at Huckleberry Drive, Hamilton; and,
 - (b) Parts 1, 2, 3, 4 and 5 on Plan 62R-7697 Bow Valley, Hamilton.

4.
 - (a) That the Treasurer be authorized to make application to the Minister of Transportation for the City of Hamilton 1995 Normal and Supplementary Requests for Subsidy Monies under the Public Transportation and Highway Improvement Act based on the estimated total and eligible maintenance and construction expenditures (as contained in the 1995 Current and Capital Budgets) and indicated on the Schedule, attached herewith and marked Appendix "A"; and,
 - (b) That the Treasurer be authorized to petition the Minister for subsidy payments as necessary; and,
 - (c) That the Treasurer be authorized to monitor expenditures during 1995 and incur only minimal 100% dollars to obtain maximum subsidy dollars in the event that a Supplementary Application is not approved.
5. That the listing of Appointments To and Terminations from Permanent Positions with the Corporation of the City of Hamilton to 1995 April 7, attached herewith and marked Appendix "B", be approved.
6.
 - (a) That the City of Hamilton host a reception for the Hamilton International Air Show on Friday, 1995 June 16, at a cost of \$5,000.; and,
 - (b) That the funding for this expenditure be financed from the Special Civic Receptions and Delegation Hostings Account No. CH 55314 84010.
7. That the owner's cost of the Ontario Municipal Board Hearing relating to 986-988 Upper Wentworth Street in the amount of \$8,000. be financed from the Unclassified Account, Centre No. CH 24201.
8. That the City quit claim and release a parcel of land measuring about 2 feet by 26 feet (Part 6, Plan 62R-8773) at the rear of 499 John Street North to George and Nancy Sterling, the current owners of 499 John Street North.
9.
 - (a) That the Mayor and City Clerk be authorized to execute a Quit Claim Deed to National Steel Car Limited, (owner of 602 Kenilworth Avenue North), to confirm that the City has no right, title, or other proprietary interest in the 602 Kenilworth Avenue North Rail Car Plant; and,
 - (b) That the property being quit claimed is briefly described as Parts 1 to 6 on Reference Plan 62R-12951 and is fully described in Instrument Number 179847, registered on 1994 March 31.

10. That a by-law which amends City of Hamilton Procedural By-law No. 82-203 to comply with the requirements of the Planning and Municipal Act and Statute Law Act, S.O. 1994, as follows, be approved:

(a) Amends the Preamble to read: "To Regulate the Proceedings of the Municipal Council and Committees of the City of Hamilton."

(b) Amends section 2(1) to include "City Hall" as the place at which City of Hamilton Council Meetings are held.

(c) Adds the following as section 29A:

"29A. The Mayor or the Chairperson shall expel any person for improper conduct at a meeting."

(d) Repeals section 42 and replaces it with the following:

"42. The release of municipal information shall be governed by the provisions of The Municipal Freedom of Information and Protection of Privacy Act."

(e) Repeals section 43 and replaces it with the following:

"43. (1) Meetings of standing Committees and Committees shall be open to the public and no person shall be excluded therefrom except for improper conduct or if the subject matter being considered is:

(a) the security of the property of the City of Hamilton or a local Board;

(b) personal matters about an identifiable individual, including municipal or local board employees;

(c) a proposed or pending acquisition of land for municipal or local board purposes;

(d) labour relations or employee negotiations;

(e) litigation or potential litigation, including matters before administrative tribunals, affecting the City of Hamilton or local board;

- (f) the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
 - (g) a matter in respect of which a Council or Committee has authorized a meeting to be closed under another Act.
 - (h) the consideration of a request under the Municipal Freedom of Information Act and the Protection of Privacy Act, if the Council or Committee or Board is designated as head of the institution for the purposes of the Act.
- (2) Prior to holding a meeting, or part of a meeting that is closed to the public, the Council or Committee shall state by resolution:
 - (a) the fact of the holding of the closed meeting, and,
 - (b) the general nature of the matter to be considered at the closed meeting.
- (3) A meeting shall not be closed to the public during the taking of a vote.
- (4) Despite subsection 3 and Section 61 (2) of the Municipal Act, a meeting may be closed to the public during a vote if,
 - (a) Section 43(1) of this By-law permits the meeting to be closed to the public; and
 - (b) the vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the City or a local Board or persons retained by, or under, contract with the City or a local Board."
- (f) Repeals section 44 and replaces it with the following:

"44. The short title of this By-law is "The Procedural By-law"."
- (g) Repeals sections 45 and 46.

1995 April 25

11. That leave be granted to introduce the following Bills:

- (a) D-26 A By-law to Amend By-law No. 82-203 respecting the Procedural By-law.
- (b) D-27 A By-law to Confirm the Proceedings of the Council of The Corporation of the City of Hamilton.

Respectfully submitted,

**ALDERMAN B. CHARTERS, CHAIRMAN
FINANCE AND ADMINISTRATION COMMITTEE**

**Susan K. Reeder
Secretary
1995 April 18**

1995 April 25

City of Hamilton
Treasury

Appendix "A" referred
to in Section 4 (a) of the
TWELFTH Report of the
Finance and Administration
Committee for 1995.

The Public Transportation and Highway Improvement Act
1995 Request for Allocation of Subsidy Monies

<u>Detail of Expenditure</u> (1)	<u>Estimated</u>		
	<u>Total</u> <u>Expenditure</u> (2)	<u>Eligible</u> <u>Expenditure</u> (3)	<u>Subsidy</u> <u>Dollars</u> (4)
<u>Normal Application</u>			
Maintenance	9,393,970	7,908,060	3,954,030
Construction	<u>8,198,370</u>	<u>4,938,950</u>	<u>2,469,470</u>
	<u>17,592,340</u>	<u>12,847,010</u>	<u>6,423,500</u>
<u>Supplementary Application</u>			
Construction	<u>4,750,780</u> *	<u>1,880,490</u>	<u>940,240</u>
	<u>4,750,780</u>	<u>1,880,490</u>	<u>940,240</u>
Total Applications	<u>22,343,120</u>	<u>14,727,500</u>	<u>7,363,740</u>

* These expenditures will represent 100% dollars if the Supplementary Application is not approved.

1995 April 25

Appendix "B" referred
to in Section 5 of the
TWELFTH Report of the
Finance and Administration
Committee for 1995.

THE CORPORATION OF THE CITY OF HAMILTON

APPOINTMENTS TO PERMANENT POSITIONS

<u>NAME</u>	<u>STATUS</u>	<u>CLASSIFICATION</u>	<u>DEPARTMENT</u>	<u>REASON HIRED</u>	<u>SALARY SCHEDULE</u>	<u>EFFECTIVE DATE</u>
Mr. Dean Jamieson	I	Street Sweeper/Flush Operator (D-14)	Public Works	Replacing Mr. T. Warburton - promoted Jan. 02/95	\$36,052.64	March 05/95
Mr. Steve Matthews	I	Signs & Markings Specialist (11-E)	Traffic	Replacing Mr. P. Dubord - promoted, March 06/95	\$29,714.88 to \$32,754.28	March 06/95
Mr. Bruno Perino	I	Traffic Signal Foreman/ Woman (F5)	Traffic	Replacing Mr. O. Meloche - retired, Dec. 31/94	\$46,411.56 to 448,986.60	March 06/95
Mr. Tom Warburton	I	Foreman/Woman II (F1)	Public Works	Replacing Mr. J. McKay - retired, Dec. 30/94	\$38,074.40 to \$43,763.20	Jan. 02/95

Prepared April 07, 1995

Status
Internal - I
External - E

THE CORPORATION OF THE CITY OF HAMILTON

TERMINATIONS FROM PERMANENT POSITIONS

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>DEPARTMENT</u>	<u>REASON</u>	<u>LENGTH OF SERVICE</u>	<u>EFFECTIVE DATE</u>
Mr. Noel Cooper	Senior Systems Analyst	Information Systems	Retired (Early)	22 years, 7 months	March 31/95
Mr. Gerry Ferrell	Zoning Examiner/Code Correlator	Building	Terminated	14 years, 2 months	March 09/95
Ms. Sharon McCallum	Fire Communications Officer	Fire	Retired (Early)	13 years, 10 months	March 31/95

Prepared April 7, 1995

Glossary of Terms

Terminated - long term disability
 - discharge
 - downsizing
 - redundant

Resigned - personal betterment
 - personal reasons

1995 April 25

REPORT OF THE CITY OF HAMILTON LICENSING COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The City of Hamilton Licensing Committee presents its **SECOND** Report for 1995 and respectfully recommends:

1. That the Tow Truck Driver Licence application of James N. Punter, 2437 Martin Court, Burlington, be denied.

Confidential background information provided to members of City Council under separate cover.

RESPECTFULLY SUBMITTED

**ALDERMAN D. WILSON
CHAIRPERSON
LICENSING COMMITTEE**

Crystabelle Fobler
Secretary

1995 April 12

**NOTICE OF MOTION
FROM PREVIOUS MEETING**

NOTICE OF MOTION - MAYOR R. MORROW
(February 14 meeting)

MOVED BY: MAYOR MORROW

SECONDED BY: ALDERMAN

"That the City of Hamilton seek entrance to the GTA".

**MEETING OF THE COUNCIL
OF THE CORPORATION OF THE CITY OF HAMILTON**

**TUESDAY, 1995 APRIL 25
7:30 O'CLOCK P.M.
COUNCIL CHAMBER, CITY HALL**

B I L L S

The Corporation of the City of Hamilton

BY-LAW NO. 95-

To Amend By-law No. 82-203

Respecting

THE PROCEDURAL BY-LAW

WHEREAS By-law No. 82-203 was enacted by Council on the 28th day of September 1982 as the City's Procedural By-law;

AND WHEREAS the Planning and Municipal Act and Statute Law Act, S.O. 1994, Chapter 23, requires municipalities to amend their procedural by-laws to comply with the requirements of the Act;

AND WHEREAS Council, on 1995 April 25, in adopting Item No. 10 of the Twelfth Report of the Finance and Administration Committee authorized this By-law;

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

1. By-law No. 82-203 is amended by changing the preamble to read:

To Regulate the Proceedings of the Municipal Council and Committees of the City of Hamilton.
2. Subsection (1) of Section 2 of By-law No. 82-203 is repealed and replaced by the following:

"2. (1) The Regular Meetings of City Council shall, unless otherwise ordered and except as provided in subsection 2, be held at the City Hall on the second and last Tuesday of every month at seven-thirty o'clock p.m., except for the months of June, July, August and September, when one meeting only shall be held on the last Tuesday in each of the months and the month of December when one meeting only shall be held on the second Tuesday."
3. By-law No. 82-203 is amended by adding the following section:

"29A. The Mayor or the Chairperson shall expel any person for improper conduct at a meeting."
4. Section 42 of By-law No. 82-203 is repealed and replaced by the following:

"42. The release of municipal information shall be governed by the provisions of The Municipal Freedom of Information and Protection of Privacy Act."
5. Section 43 of By-law No. 82-203 is repealed and replaced by the following:

"43. (1) Meetings of standing committees and committees shall be open to the public and no person shall be excluded therefrom except for improper conduct or if the subject matter being considered is:

(a) the security of the property of the City of Hamilton or a local Board;

(b) personal matters about an identifiable individual, including municipal or local board employees;

- (c) a proposed or pending acquisition of land for municipal or local board purposes;
 - (d) labour relations or employee negotiations;
 - (e) litigation or potential litigation, including matters before administrative tribunals, affecting the City of Hamilton or local board;
 - (f) the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
 - (g) a matter in respect of which a council or committee has authorized a meeting to be closed under another Act.
 - (h) the consideration of a request under the Municipal Freedom of Information Act and the Protection of Privacy Act, if the Council or Committee or Board is designated as head of the institution for the purposes of the Act.
- (2) Prior to holding a meeting, or part of a meeting that is closed to the public, the Council or Committee shall state by resolution:
- (a) the fact of the holding of the closed meeting, and
 - (b) the general nature of the matter to be considered at the closed meeting.
- (3) A meeting shall not be closed to the public during the taking of a vote.
- (4) Despite subsection 3 and Section 61 (2) of the Municipal Act, a meeting may be closed to the public during a vote if,
- (a) Section 43(1) of this By-law permits the meeting to be closed to the public; and
 - (b) the vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the City or a local Board or persons retained by, or under, contract with the City or a local Board."

6. Section 44 is repealed and replaced with the following:

"44. The short title of this By-law is **"The Procedural By-law"**."

7. By-law No. 82-203 is amended by repealing Sections 45 and 46.

PASSED this 25th day of April

1995.

CITY CLERK

MAYOR

BY-LAW NO. 95 -

TO CONFIRM PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON AT ITS MEETING HELD ON THE 25th DAY OF APRIL A.D., 1995.

WHEREAS by Section 9 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario, 1990, the powers of a municipal corporation are to be exercised by its Council;

AND WHEREAS by Sub-section 1 of Section 101 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario 1990, the powers of every Council are to be exercised by by-law.

AND WHEREAS it is deemed expedient that the proceedings of the Council of The Corporation of the City of Hamilton at this meeting be confirmed and adopted by by-law.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:-

1. The action of The Council of The Corporation of the City of Hamilton in respect to each recommendation contained in the Reports of the Committees and of the local Boards and Commissions and each motion and resolution passed and other action taken by the Council of The Corporation of the City of Hamilton at this meeting is hereby adopted and confirmed as if all such proceedings were expressly in this By-law.
2. The Mayor and the proper officials of The Corporation of the City of Hamilton are hereby authorized and directed to do all things necessary to give effect to the action of the Council of The Corporation of the City of Hamilton referred to in the preceding section hereof.
3. The Mayor, or in the absence of the Mayor, the Acting Mayor, and the City Clerk, or in the absence of the City Clerk, the Acting City Clerk are authorized and directed to execute all documents necessary in that behalf and to affix thereto the seal of The Corporation of the City of Hamilton.

PASSED this 25th day of April A.D. 1995

CITY CLERK

MAYOR

MAY 8 1995

GOVERNMENT DOCUMENTS

URBAN/MUNICIPAL
CAY ON HBL AOS
A31
1995



**MEETING OF THE COUNCIL
OF THE CORPORATION OF THE CITY OF HAMILTON**

**Tuesday, 1995 May 9
7:30 o'clock p.m.
Council Chambers, City Hall**

**J. J. Schatz
City Clerk**

AGENDA

- 1. National Anthem.**
- 2. Opening Prayer - Major Garnett Cassell, Salvation Army Family Services**
- 3. Adoption of the minutes of the meeting held 1995 April 25.**
- 4. Correspondence.**
- 5. Reports of the Standing Committees:**
 - (a) Transport and Environment Committee**
 - (c) Planning and Development Committee**
 - (d) Finance and Administration Committee**
- 6. Notices of Motion for next meeting.**
- 7. First Reading of the Bills.**
- 8. Second Reading of the Bills - Committee of the Whole.**
- 9. Third Reading of the Bills.**
- 10. Question Period.**
- 11. Adjournment.**

MINUTES

Minutes of Hamilton City Council
Tuesday, 1995 April 25
7:30 o'clock p.m.
Council Chamber, City Hall

The Council met:

Present: Mayor Morrow.
Aldermen Kiss, Caplan, Agro, McCulloch, Morelli, Drury, Wilson, Agostino,
Eisenberger, Charters, Jackson, Anderson, D'Amico, Ross.

Absent: Alderman G. Copps - Bereavement
Alderman H. Merling - Vacation

Mayor R. M. Morrow called the meeting to order.

* * * * *

The National Anthem was sung by Fern Viola, Canadian Remembers Co-ordinator, Veterans Affairs, Canada.

* * * * *

Archdeacon William Sewell, Rector of the Church of the Ascension (retired) led Council in prayer.

<p>PRESENTATIONS</p>

Mayor R. M. Morrow welcomed the V.E. Day Celebrations Committee and thanked them for their contribution in planning the V.E. Day Parade and Reception to take place on Monday, 1995 May 8. Mayor R. M. Morrow presented the Hamilton Remembers Scroll to Lt. Colonel H. Denys Rice, Honourary Co-Chairman and Colonel John A Williamson, Chairman of the V.E. Day Celebrations Committee.

Mayor R. M. Morrow presented Certificates of Merit to Peter Oddi, Grade One Student at St. Daniel's School and Alyshia Mahy, Grade Eight Student at St. Jerome's School for winning the poster competition in their respective classes held by the Keep Hamilton Clean Committee. Mayor R. M. Morrow also presented the two students with a copy of their winning poster. Mr. Ron Volterman, Chairman of the Keep Hamilton Clean Committee participated in the presentation.

ADOPTION OF MINUTES

The minutes of the meetings held 1995 April 6 and 11 were adopted as circulated.

CORRESPONDENCE

1. Letter dated 1995 April 12 from A. F. Davidson, Superintendent of Finance for the Hamilton-Wentworth Roman Catholic Separate School Board advising of the mill rates.

Received.

2. Letter dated 1995 April 11 from Harp Homes Inc. (Martin Mazza) and Lawrence Vasilak, for changes in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for Blocks "1", "4" and "5", "C" (Urban Protected Residential, etc.) District to "RT-30" (Street Townhouse) District for Block "2", and "AA" (Agricultural) District to "RT-30" (Street Townhouse) District for Block "3", for lands located at Nos. 1471 and 1493 Upper Sherman Avenue, Hamilton, Ontario.

Received.

3. Letter dated 1995 April 19 from Bordon and Elliot, Barrister and Solicitor giving notice of the appeal of the Hamilton Harbour Commission with respect to the Cities Development Charges By-law.

Referred to the Finance and Administration Committee.

4. Petition containing approximately 500 signatures supporting Mayor Morrows position relative to the request of GALA and urging an appeal of the Human Rights Commission ruling.

Received.

It was moved by Alderman Kiss and seconded by Alderman Caplan that the Reports of the Parks and Recreation Committee, the Planning and Development Committee, the Finance and Administration Committee, and the City of Hamilton Licensing Committee, be considered in Committee of the Whole with Alderman Agostino in the chair.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Morelli, Drury, Wilson, Agostino, Eisenberger, Charters, Jackson, Anderson, D'Amico, Ross. -15.

NAYS: -0.

CARRIED.

<p>PARKS AND RECREATION COMMITTEE - TENTH REPORT</p>

Section 12 Re: Alcohol in Parks - various organizations

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, McCulloch, Morelli, Drury, Wilson, Agostino, Eisenberger, Charters, Anderson, D'Amico, Ross. -13.

NAYS: Alderman Jackson. -1.

CARRIED.

* * * * *

Section 13 Re: Alcohol in Parks - various organizations

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, McCulloch, Morelli, Drury, Wilson, Agostino, Eisenberger, Charters, Anderson, D'Amico, Ross. -13.

NAYS: Alderman Jackson. -1.

CARRIED.

* * * * *

Section 40 Re: Alcohol in Parks - Hamilton Hornets Rugby Football Club - Mohawk Sports Park

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, McCulloch, Morelli, Drury, Wilson, Agostino, Eisenberger, Charters, Anderson, D'Amico, Ross. -13.

NAYS: Alderman Jackson. -1. **CARRIED.**

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Section 42 Re: Gore Park Redevelopment

Recorded vote.

YEAS: Mayor Morrow, Aldermen Caplan, Agro, McCulloch, Morelli, Wilson, Agostino, Eisenberger, Jackson, Anderson, Ross. -11.

NAYS: Aldermen Kiss, Drury, Charters, D'Amico. -4. **CARRIED.**

PARKS AND RECREATION COMMITTEE - ELEVENTH REPORT

Section 2 Re: Scott-MacDonald Limited - Public Pedestrian Access

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, McCulloch, Drury, Morelli, Wilson, Agostino, Eisenberger, Charters, Jackson, D'Amico, Ross. -13.

NAYS: Aldermen Agro, Anderson. -2. **CARRIED.**

PLANNING AND DEVELOPMENT COMMITTEE - TWELFTH REPORT

FINANCE AND ADMINISTRATION COMMITTEE - TWELFTH REPORT

FINANCE AND ADMINISTRATION COMMITTEE - THIRTEENTH REPORT

CITY OF HAMILTON LICENSING COMMITTEE - SECOND REPORT

NOTICE OF MOTION FROM PREVIOUS MEETING

Mayor R. M. Morrow advised that he is tabling indefinitely the Notice of Motion respecting Hamiltons membership into the G.T.A.

ACTING MAYOR FOR THE MONTH OF MAY, 1995

It was moved by Alderman Kiss and seconded by Alderman Caplan that Alderman T. Anderson be appointed Acting Mayor for the month of May 1995.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Morelli, Drury, Wilson, Agostino, Eisenberger, Charters, Jackson, Anderson, D'Amico, Ross. -15.

NAYS: -0.

CARRIED.

* * * * *

It was moved by Alderman Kiss and seconded by Alderman Caplan that the Report of the Committee of the Whole on the Reports of the Parks and Recreation Committee, the Planning and Development Committee, the Finance and Administration Committee, and the City of Hamilton Licensing Committee, be adopted.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Morelli, Drury, Wilson, Agostino, Eisenberger, Charters, Jackson, Anderson, D'Amico, Ross. -15.

NAYS: -0.

CARRIED.

BILLS

It was moved by Alderman Kiss and seconded by Alderman Caplan that the following Bills be now read a first time:

D-26, D-27, D-28, D-29, D-30, D-31, D-32, D-33, D-34, D-35, D-36, D-37, D-38, D-39.

Recorded vote on Bill D-30.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Morelli, Drury, Wilson, Agostino, Eisenberger, Charters, Jackson, Anderson, Ross. -14.

NAYS: Alderman D'Amico. -1.

CARRIED.

Recorded vote on all Bills except for Bill D-30.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Morelli, Drury, Wilson, Agostino, Eisenberger, Charters, Jackson, Anderson, D'Amico, Ross. -15.

NAYS: -0.

CARRIED.

* * * * *

It was moved by Alderman Kiss and seconded by Alderman Caplan that Council move into Committee of the Whole to consider the following Bills, with Alderman Agostino in the chair. (second reading).

D-26, D-27, D-28, D-29, D-30, D-31, D-32, D-33, D-34, D-35, D-36, D-37, D-38, D-39.

Recorded vote on Bill D-30.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Morelli, Drury, Wilson, Agostino, Eisenberger, Charters, Jackson, Anderson, Ross. -14.

NAYS: Alderman D'Amico. -1.

CARRIED.

Recorded vote on all Bills except Bill D-30.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Morelli, Drury, Wilson, Agostino, Eisenberger, Charters, Jackson, Anderson, D'Amico, Ross. -15.

NAYS: -0.

CARRIED.

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Consideration of the Bills (second reading).

* * * * *

It was moved by Alderman Kiss and seconded by Alderman Caplan that the Report of the Committee of the Whole on the following Bills, be adopted:

D-26, D-27, D-28, D-29, D-30, D-31, D-32, D-33, D-34, D-35, D-36, D-37, D-38, D-39.

Recorded vote on Bill D-30.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Morelli, Drury, Wilson, Agostino, Eisenberger, Charters, Jackson, Anderson, Ross. -14.

NAYS: Alderman D'Amico. -1.

CARRIED.

Recorded vote on all Bills except Bill D-30.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Morelli, Drury, Wilson, Agostino, Eisenberger, Charters, Jackson, Anderson, D'Amico, Ross. -15.

NAYS: -0.

CARRIED.

* * * * *

It was moved by Alderman Kiss and seconded by Alderman Caplan that the following Bills, be now read a third time, signed, sealed and enrolled as By-laws:

D-26, D-27, D-28, D-29, D-30, D-31, D-32, D-33, D-34, D-35, D-36, D-37, D-38, D-39.

Recorded vote on Bill D-30.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Morelli, Drury, Wilson, Agostino, Eisenberger, Charters, Jackson, Anderson, Ross. -14.

NAYS: Alderman D'Amico. -1. **CARRIED.**

Recorded vote on all Bills except Bill D-30.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Morelli, Drury, Wilson, Agostino, Eisenberger, Charters, Jackson, Anderson, D'Amico, Ross. -15.

NAYS: -0. **CARRIED.**

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City Council then adjourned at 8:55 o'clock p.m.

* * * * *

Taken as read and approved.

MAYOR R. M. MORROW

J. J. Schatz, City Clerk
1995 April 25.

JJS/dg

CORRESPONDENCE

Correspondence:

1. Application dated 1995 April 25 from 891157 Ontario Inc., DeFilipps Design, Stoney Creek, Ontario for removal of the "H" - Holding Provision from the "HH" (Restricted Community Shopping and Commercial) District, modified regulations for land located at No. 1024 Upper Wentworth Street, Hamilton, Ontario.

Recommendation:

Be Received.

2. Application dated 1995 May 1 from Madan Godal Sharma, Simcoe, Ontario for a change in zoning from "C" (Urban Protected Residential, etc.) District to "RT-30" (Street Townhouse) District, for lands located at the rear of 914 Upper James Street, Hamilton, Ontario.

Recommendation:

Be Received.

REPORT OF THE TRANSPORT AND ENVIRONMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Transport and Environment Committee presents its **SIXTH** Report for 1995 and respectfully recommends:

1. (a) That City Council enact the by-law to stop-up, close and retain the public walkway in the Vincent Neighbourhood between Nos. 300 and 304 St. Andrews Drive, more particularly described as Block F on Plan M27; and,

 (b) That the Commissioner of Transportation/Environmental Services be directed to submit the approved by-law to the Minister of Municipal Affairs for approval; and,

 (c) That the Director of Property be directed to proceed with the disposition of the said lands; and,

 (d) That the Commissioner of Transportation/Environmental Services be authorized to make application to the Regional Municipality of Hamilton-Wentworth for approval for the proposed closing pursuant to Section 48 of the Regional Act.
2. That a "One Hour Parking Time Limit, 8:00 a.m. to 6:00 p.m., Monday to Friday" regulation be implemented on both sides of Leslie Avenue between West 34th Street and West 35th Street and that the City Traffic By-law No. 89-72 be amended accordingly.
3. That a "No Parking" regulation be implemented on the south and west sides of Templemead Drive commencing at Independence Drive and extending to the south property line of No. 314 Templemead Drive and that the City Traffic By-law No. 89-72 be amended accordingly.
4. That the City Traffic By-law No. 89-72 be amended to allow for the existing "No Stopping" regulation on the north side of King Street West between Cline Avenue North (west leg) and a point 204 feet easterly therefrom.

5.
 - (a) That a "Permit Parking" regulation be implemented on the east side of Park Row North commencing at a point 79 feet south of Roxborough Avenue and extending to a point 21 feet southerly therefrom and that the City Traffic By-law No. 89-72 be amended accordingly; and,
 - (b) That the Director of Traffic Services be authorized to issue one parking permit to Mr. Edward Wilcox, No. 114 Park Row North.
6. That the existing "No Parking" regulation on the north and west sides of Highridge Avenue between the north and west property lines of No. 238 Highridge Avenue be shortened such that the regulation commences at the north property line and extends to a point 40 feet east of the west property line of No. 238 Highridge Avenue and that the City Traffic By-law No. 89-72 be amended accordingly.
7.
 - (a) That a "Permit Parking" regulation be implemented on the west side of Caroline Street South commencing at a point 144 feet south of Markland Street and extending to a point 17 feet southerly therefrom and that the City Traffic By-law No. 89-72 be amended accordingly; and,
 - (b) That the Director of Traffic Services be authorized to issue one parking permit to Mr. Raymond Howison, No. 310 Caroline Street South.
8. That the Director of Traffic Services be authorized to issue upon request, one time limit exemption permit to each of the first four eligible applicants residing in the apartment building at No. 130 Hunter Street West.
9. That the existing entry in the City Traffic By-law No. 89-72 which provides for a "Wheelchair Loading Zone, 7:00 a.m. to 9:00 p.m., seven days a week" regulation on the south side of Dunsmure Road commencing 25 feet east of St. Clair Avenue and extending to a point 26 feet easterly therefrom, be rescinded.
10. That the existing "Commercial Vehicle Loading Zone, 8:00 a.m. to 6:00 p.m., Monday to Saturday" regulation on the west side of Caroline Street South commencing 30 feet north of Charlton Avenue West and extending to a point 36 feet northerly, be revised, such that it is in effect from 9:00 a.m. to 5:00 p.m., Monday to Friday and that the City Traffic By-law No. 89-72 be amended accordingly.

11.
 - (a) That the existing "School Bus Loading Zone, 7:00 a.m. to 6:00 p.m., Monday to Saturday" regulation on the south side of Bonaparte Way be extended 40 feet such that the regulation will commence at a point 84 feet east of the east curb line of Brigade Drive and will extend 120 feet easterly; and,
 - (b) That the existing "School Bus Loading Zone, 7:00 a.m. to 6:00 p.m., Monday to Saturday" regulation on the south side of Bonaparte Way commencing at a point 111 feet east of the east curb line of Corsica Court and extending 31 feet easterly therefrom be revised such that the regulation commences 82 feet east of the east curb line of Corsica Court and extends 29 feet easterly; and,
 - (c) That the City Traffic By-law No. 89-72 be amended accordingly.
12. That four-way stop control be implemented at the intersection of Windrush Crescent and Lawfield Drive and that the City Traffic By-law No. 89-72 be amended accordingly.
13. That the application of the Golfwood Drive residents to temporarily close a one block area of Golfwood Drive from the intersection of Golfwood Drive and Venetian Drive to the stairs leading to Shawinigan Park on Saturday, 1995 July 1 from 3:00 o'clock p.m. to 12:00 o'clock midnight to hold a street party to celebrate Canada Day, be approved, subject to the following conditions:
 - (a) That prior approval from the Chief of Police or his/her designate, be received; and,
 - (b) That the applicant provide a Certificate of Insurance evidencing \$2,000,000. public liability insurance; that the Corporation of the City of Hamilton is shown as an additional insured; and that the policy provides for cross-liability and severability; and,
 - (c) That the applicant agree, in writing, to hold the Corporation of the City of Hamilton harmless from all actions, causes of action, interest, claims, demands, costs, damages, expenses and loss; and,
 - (d) That all barricading, detour signing and traffic control be subject to the direction of the Chief of Police or his/her designate; and,
 - (e) That all barricading be supplied by and at the expense of the applicant; and,

- (f) That the applicant ensure that clean-up operations be carried out immediately before the re-opening of the roads, to the satisfaction of the City and at the expense of the event organizer; and,
 - (g) That no property owner or resident within the barricaded area be denied access to their property upon request; and,
 - (h) That all property owners and tenants along the closed portion of the route be notified of the event by the applicant prior to the event in a form acceptable to the Commissioner of Transportation/Environmental Services.
14. That the application of the Ontario Worker's Arts and Heritage Centre to temporarily close Stuart Street between Bay Street and MacNab Street on Sunday, 1995 May 7, from 1:00 o'clock p.m. to 6:00 o'clock p.m. for the official opening of the Centre be approved, subject to the following conditions:
- (a) That the prior approval of the Chief of Police or his/her designate be received, and that such permits or authorizations as may be required by the Chief of Police or his/her designate be obtained; and,
 - (b) That the applicant provide proof of \$2,000,000. public liability insurance, naming the City and the Region as an added insured party with a provision for cross liability, and holding the City and the Region harmless from all actions, causes of action, interests, claims, demands, costs, damages, expenses and loss; and,
 - (c) That all barricading, detour signing and traffic control be subject to the direction of the Chief of Police or his/her designate; and,
 - (d) That all barricading be supplied by and at the expense of the applicant; and,
 - (e) That "Temporary Road Closure" signs be installed in advance by the City of Hamilton Traffic Department, on the affected roadways, if deemed necessary by the Director of Traffic Services and at the expense of the applicant; and,
 - (f) That the applicant ensure that clean-up operations be carried out immediately before the re-opening of the roads, to the satisfaction of the City and at the expense of the event organizer; and,
 - (g) That no property owner or resident within the barricaded area be denied access to their property upon request; and,

- (h) That all property owners and tenants along the closed portion of the route be notified of the event by the applicant prior to the event in a form acceptable to the Commissioner of Transportation/Environmental Services.
15. That the application of the Boy Scouts/Girl Guides of Canada to temporarily close Locke Street from York Boulevard to Main Street; MacNab Street from Main Street to Hunter Street and Jackson Street from MacNab Street to City Hall parking lot, on Saturday, 1995 May 27, from 8:00 o'clock a.m. to 12:00 noon, for the annual Scouts Canada/Guides Canada Parade be approved, subject to the following conditions:
- (a) That the prior approval of the Chief of Police or his/her designate be received, and that such permits or authorizations as may be required by the Chief of Police or his/her designate be obtained; and,
 - (b) That the applicant provide proof of \$2,000,000. public liability insurance, naming the City and the Region as an added insured party with a provision for cross liability, and holding the City and the Region harmless from all actions, causes of action, interests, claims, demands, costs, damages, expenses and loss; and,
 - (c) That all barricading, detour signing and traffic control be subject to the direction of the Chief of Police or his/her designate; and,
 - (d) That all barricading be supplied by and at the expense of the applicant; and,
 - (e) That "Temporary Road Closure" signs be installed in advance by the City of Hamilton Traffic Department, on the affected roadways, if deemed necessary by the Director of Traffic Services and at the expense of the applicant; and,
 - (f) That the applicant ensure that clean-up operations be carried out immediately before the re-opening of the roads, to the satisfaction of the City and at the expense of the event organizer; and,
 - (g) That no property owner or resident within the barricaded area be denied access to their property upon request; and,
 - (h) That all property owners and tenants along the closed portion of the route be notified of the event by the applicant prior to the event in a form acceptable to the Commissioner of Transportation/Environmental Services.

16. That the application of the VE Day Celebrations Committee of City Council to temporarily close Hess Street from Hunter Street West to King Street West; Caroline Street from Hunter Street West to King Street West and Bay Street South from Hunter Street West to King Street West on Monday 1995 May 8, from 10:30 o'clock a.m. to 12:00 o'clock p.m., for the VE Day Celebration Committee Military Parade be approved, subject to the following conditions:
- (a) That the prior approval of the Chief of Police or his/her designate be received, and that such permits or authorizations as may be required by the Chief of Police or his/her designate be obtained; and,
 - (b) That all barricading, detour signing and traffic control be subject to the direction of the Chief of Police or his/her designate; and,
 - (c) That all barricading be supplied by and at the expense of the applicant; and,
 - (d) That "Temporary Road Closure" signs be installed in advance by the City of Hamilton Traffic Department, on the affected roadways, if deemed necessary by the Director of Traffic Services and at the expense of the applicant; and,
 - (e) That the applicant ensure that clean-up operations be carried out immediately before the re-opening of the roads, to the satisfaction of the City and at the expense of the event organizer; and,
 - (f) That no property owner or resident within the barricaded area be denied access to their property upon request; and,
 - (g) That all property owners and tenants along the closed portion of the route be notified of the event by the applicant prior to the event in a form acceptable to the Commissioner of Transportation/Environmental Services.
17. (a) That the portion of Section 9, of the Ninth Report of the Transport and Environment Committee for 1989 which was adopted by City Council on 1989 April 25, which refers to the approval of the engineering schedules for "Ridgeview Estates - Phase 3", Hamilton, be rescinded; and,
- (b) That the submitted schedules of works be adopted for inclusion in the Subdivision Agreement with the Owner for the estimated costs of services in:

" RIDGEVIEW ESTATES - PHASE 3 ", Hamilton
(Revised Schedules)

City's Share \$ Nil Subdivider's Share \$ 99,528.35

" WISEMOUNT ESTATES - PHASE 7 ", Hamilton

City's Share \$ Nil Subdivider's Share \$ 50,777.98; and,

- (c) That the Mayor and City Clerk be authorized and directed to execute the proposed Subdivision Agreements with the Owners of "Ridgeview Estates - Phase 3" and "Wisemount Estates - Phase 7", and any other related documents for these Subdivisions subject to the approval of the City Solicitor; and,
 - (d) That approval of the above-noted clauses be subject to the condition that no work be commenced until the Final Plans and Subdivision Agreements have been registered; and,
 - (e) In the event that the owners wish to proceed prior to the registration of the Final Plan and Subdivision Agreement being registered they should be allowed to do so at their own risk provided that they enter into a standard agreement with the City of Hamilton for pre-servicing.
18. (a) That the construction of an independent concrete sidewalk on the south side of Brampton Street between Woodward Avenue and Dunn Avenue be proceeded with as a local improvement at an estimated cost of \$17,560.; and,
- (b) That the Finance and Administration Committee be requested to recommend a source of funding for this Capital Project; and,
- (c) That the Director of Public Works be authorized to construct these works once all the necessary approvals have been received.
19. That City Council enact the by-law to authorize construction of local improvements of an independent concrete sidewalk for the following locations:
- (a) On the north side of Stone Church Road from Upper Gage Avenue to approximately 61 m west of Rambo Street (east limit of No. 749 Stone Church Road); from approximately 107 m west of Rambo Street to approximately 222 m west of Upper Sherman Avenue; from approximately 383 m west of Upper Sherman Avenue to approximately 26 m westerly (Hydro property); and,
 - (b) On the south side of Stone Church Road from Upper Gage Avenue to approximately 83 m westerly (east limit of No. 41 Epic Place); from Leaway Avenue to Eleanor Avenue; and, from approximately 37 m west of Eleanor Avenue to approximately 30 m east of Ridgemount Drive.

20. (a) That the construction of an independent concrete sidewalk on the east side of Upper Gage Avenue from Stone Church Road to Quail Drive; from approximately 72 m south of Loconder Drive (south limit of No. 1285) to Loconder Drive and on the west side of Upper Gage Avenue from Stone Church Road to approximately 89.5 m north of Robertsfield Drive (south limit of No. 1304); from approximately 120 m north of Robertsfield Drive (north limit of No. 1300) to Loconder Drive and from approximately 74 m north of Loconder Drive (north limit of No. 1250) to approximately 84 m northerly (north of limit of No. 1232) proceed as a local improvement pursuant to Section 12 of the Local Improvement Act at an estimated gross cost of \$88,000. with a City's Share of \$17,217.50 and Owner's Share of \$70,782.50 all as provided in the 1995 portion of the 1995 - 2004 Capital Budget; and,

(b) That the Finance and Administration Committee be requested to recommend a source of funding for this Capital Project; and,

(c) That the Commissioner of Transportation/Environmental Services be authorized to construct these works on behalf of the City once all the necessary approvals have been received; and,

(d) That the City Clerk and City Treasurer be directed to give the necessary notice of City Council's intention to undertake these works.
21. That a purchase order be issued in the amount of \$66,281. taxes included to Connon Nurseries, Neil Vanderkruk Holdings Incorporated for the supply and delivery of trees for various sites being the lowest of seven tenders received in accordance with Purchasing Division specifications and be financed from various accounts including Account Nos. CH51697 60999, CH56398 62903, CH56103 61402 and CH56103 60402.
22. That purchase orders be issued in the amounts of \$29,906. to Waterford Crushing, Waterford, for concrete crushing at B. A. Court Yard and for \$78,458. to Hard Rock Paving, Port Colborne, for concrete crushing at Brampton Street Yard being the lowest tenders received in accordance with the Purchasing Division specifications and be financed from Stock Account No. CH56197 60999.
23. That all-way stop control be implemented at the intersection of Upper Kenilworth Avenue and Landron Avenue and that the City Traffic By-law No. 89-72 be amended accordingly.

24. That the existing "Permit Parking" regulation on the south side of Maplewood Avenue which commences at a point 39 feet west of Cedar Avenue and extends to a point 20 feet westerly therefrom be removed and that the City Traffic By-law No. 89-72 be amended accordingly.
25. (a) That City Council approve the 58 proposed transit shelter locations in the City of Hamilton, attached hereto as Appendix "A", as candidate shelter locations for the 1995 Hamilton Street Railway Program; and,
- (b) That the Hamilton Street Railway install 10 shelters at these candidate locations in the priority indicated by the warrant scores and subject to finalizing the necessary encroachment agreements; and,
- (c) That the remaining candidate shelter locations which do not receive a shelter through the 1995 Hamilton Street Railway Shelter Program be considered for future years.
26. That leave be granted to introduce the following Bills:
- (a) A-33 A By-law to Stop-up, Close and Retain the Public Walkway Located Between No. 300 and No. 304 St. Andrews Drive Designated as Block F, on Plan M-27
- (b) A-34 A By-law to Authorize the construction of Local Improvements as a City Initiative (without petition) under Section 12 of the Local Improvement Act of independent concrete sidewalks
- (c) A-35 A By-law to Amend By-law No. 89-72 to Regulate Traffic
- (d) A-36 A By-law to Amend By-law No. 89-72 to Regulate Traffic

Respectfully Submitted,

**ALDERMAN B. MORELLI, ACTING CHAIRMAN
TRANSPORT AND ENVIRONMENT COMMITTEE**

**Kevin C. Christenson
Secretary**

1995 May 1

Appendix "A" as referred to in
Section 25 of the SIXTH
Report of the Transport and
Environment Committee for 1995

1995 Transit Shelter Locations
City of Hamilton

No.	Stop #	On Street	@	At Street	Corner	City	Shelter Type	Total Score	Drawing Name
1	51217	Fennell Ave. E.	@	Upper Wentworth St.	N/E	HAM	AD	88	95SHEL 8
2	60331	Upper Paradise Rd.	@	Stone Church Rd. W.	N/E	HAM	D	85	95SHEL 1
3	51630	Rymal Rd. E.	@	Upper Gage Ave.	S/W	HAM	AD	77	95SHEL 2
4	72318	Barton St. E.	@	Birch Ave.	S/W	HAM	AD	74	95SHEL 3
5	72354	Barton St. E.	@	Shelby Ave.	S/W	HAM	AD	74	n/a
6	72527	King St. E.	@	Fairholt Rd. N.	N/E	HAM	D	74	95SHEL 4
7	72668	Queenston Rd.	@	#640 (Zeller's)	S/Side	HAM	D	74	95SHEL 5
8	51309	Mohawk Rd. E.	@	Upper Wellington St.	N/W	HAM	AD	72	95SHEL 9
9	60123	West 5th St.	op.	Marlowe Dr.	E/Side	HAM	AD	72	95SHEL 6
10	60040	Upper James St.	op.	South Hamilton Sq.	E/Side	HAM	AD	71	95SHEL 7
11	82513	King St. W.	@	Breadalbane St.	N/E	HAM	D	69	95SHEL 19
12	61408	Limeridge Rd. W.	@	#273 Limeridge Rd.	S/Side	HAM	AD	69	95SHEL 10
13	72741	Maplewood Ave.	@	Springer Ave.	N/W	HAM	D	69	95SHEL 11
14	50421	Upper Gage Ave.	@	#877 Upper Gage	E/Side	HAM	CD	67	95SHEL 12
15	50447	Upper Gage Ave.	@	Rymal Rd. E.	N/E	HAM	AD	67	95SHEL 13
16	50316	Upper Sherman Ave.	@	Franklin Rd.	S/W	HAM	D	67	95SHEL 14
17	60118	West 5th St.	@	Mohawk Rd. W.	N/W	HAM	AD	66	95SHEL 15
18	81238	Whitney Ave.	@	Lower Horning Rd.	S/W	HAM	D	66	95SHEL 16
19	80006	James St. N.	@	Murray St. W.	N/W	HAM	AD	64	95SHEL 17
20	50202	Upper Wentworth St.	@	Queensdale Ave. E.	N/W	HAM	D	61	n/a
21	50407	Upper Gage Ave.	@	Bruce Dale Ave.	S/E	HAM	AD	60	n/a
22	n/a	Upper Wellington St.	op.	Towercrest Dr.	E/Side	HAM	D	60	n/a
23	50240	Upper Wentworth St.	@	Pescara Ave.	N/W	HAM	AD	60	n/a
24	60141	West 5th St.	@	Stone Church Rd. W.	S/E	HAM	D	59	n/a
25	60010	Upper James St.	@	Monarch Rd.	N/W	HAM	AD	58	n/a
26	51242	Fennell Ave. E.	@	Glenford Ave.	S/W	HAM	CD	57	n/a
27	72674	Queenston Rd.	@	#770 Queenston	S/Side	HAM	D	57	n/a
28	50543	Upper Ottawa St.	@	Unsworth Dr.	N/E	HAM	D	57	n/a
29	50140	Upper Wellington St.	@	Stone Church Rd. E.	N/W	HAM	AD	57	n/a
30	72547	King St. E.	@	Wexford Ave.	N/E	HAM	AD	56	n/a
31	50442	Upper Gage Ave.	@	Rymal Rd. E.	N/W	HAM	AD	55	n/a
32	60337	Upper Paradise Rd.	@	Rymal Rd. W.	N/E	HAM	AD	55	n/a
33	81003	Franklin Ave.	@	Longwood Rd.	N/W	HAM	D	53	n/a

1995 Transit Shelter Locations
City of Hamilton

No.	Stop #	On Street	@	At Street	Corner	City	Shelter Type	Total Score	Drawing Name
34	82709	Hunter St. W.	@	Hess St. S.	N/E	HAM	D	53	n/a
35	70707	Gage Ave. N.	@	Beach Rd.	N/E	HAM	AD	52	n/a
36	60401	Sanatorium Rd.	op.	San Brow Building	N/Side	HAM	D	52	n/a
37	72261	Glow Ave.	@	Parkdale Ave. N.	N/E	HAM	D	51	n/a
38	72258	Glow Ave.	@	Parkdale Ave. N.	S/E	HAM	D	51	n/a
39	82414	Strathcona Ave.	op.	Lamoreaux St.	E/Side	HAM	D	50	n/a
40	60233	Garth St.	op.	#1440 Garth St.	E/Side	HAM	D	49	n/a
41	72582	Greenhill Ave.	op.	Monte Dr.	W/Side	HAM	D	49	n/a
42	50153	Upper Wellington St.	@	Brigade Dr.	S/E	HAM	D	49	n/a
43	81114	McMaster Service Rd.	@	Main St. Exit	S/W	HAM	D	48	n/a
44	50445	Upper Gage Ave.	@	Golden Gate Ave.	N/E	HAM	CD	47	n/a
45	50241	Upper Wentworth St.	@	Stone Church Rd. E.	S/E	HAM	AD	47	n/a
46	71424	Beach Blvd.	@	Van Wagner's Beach Rd.	N/W	HAM	D	46	n/a
47	72226	Beach Rd.	@	Albemarle St.	S/W	HAM	D	46	n/a
48	80129	MacNab St. S.	@	Robinson St.	S/E	HAM	D	46	n/a
49	60141	West 5th St.	@	Stone Church Rd. W.	S/E	HAM	AD	46	n/a
50	72584	Greenhill Ave.	@	Tasha Ct.	N/W	HAM	D	44	n/a
51	72152	Burlington St. E.	@	Parkdale Ave. N.	S/W	HAM	D	42	n/a
52	72374	Melvin Ave.	op.	Osborne St.	S/Side	HAM	AD	42	n/a
53	50243	Upper Wentworth St.	@	Balharbour Dr.	N/E	HAM	AD	42	n/a
54	50247	Upper Wentworth St.	@	Elite Dr.	S/E	HAM	AD	42	n/a
55	51115	Queensdale Ave. E.	op.	East 15th St.	N/Side	HAM	D	41	n/a
56	n/a	Upper Sherman Ave.	@	Rymal Rd. E.	N/E	HAM	D	41	n/a
57	n/a	Upper Sherman Ave.	@	Rymal Rd. E.	N/W	HAM	D	41	n/a
58	60133	Chester Ave.	@	West 5th St.	S/W	HAM	D	40	n/a

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Planning and Development Committee presents its **THIRTEENTH** Report for 1995 and respectfully recommends:

1. (a) That approval be given to City Initiative 94-B, respecting the parking of large vehicles in residential zoning districts, on the following basis:
 - (i) That Section 2.(2) J. - Miscellaneous Definitions - Technical be amended by adding the following new definition:

"2.(2) J. (xixe) "Recreational Vehicle" includes a vehicle which provides sleeping and other facilities for short periods of time, while travelling or vacationing, designed to be towed behind a motor vehicle, or self-propelled, and includes such vehicles commonly known as travel trailers, camper trailers, tent trailers, pick-up campers, motorized campers, motorized homes, or other similar vehicles."; and,
 - (ii) That Section 18A - Parking and Loading Requirements of Zoning By-law No. 6593, be amended as follows:
 - (1) By renumbering the existing Section 18A(15) as 18A(15)(a); and,
 - (2) By adding a new Section 18A(15)(b), as follows:

"18A(15)(b) Notwithstanding clause 15(a) above, a recreational vehicle may be parked in a residential district provided that:

 - (i) the owner or occupant of a lot in a residential district may park a maximum of one recreational vehicle on any one residential lot; and,
 - (ii) a recreational vehicle shall be located in a rear yard, or interior side yard, or within a fully enclosed building or structure; and,

- (iii) a recreational vehicle shall not occupy required parking; and,
 - (iv) a recreational vehicle shall be set back a minimum distance of 1.2 m from any lot line, unless parked within a fully enclosed building or structure;" and,
 - (b) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593, for presentation to City Council; and,
 - (c) That this proposed general text amendment to Zoning By-law No. 6593 is in conformity with the Official Plan for the Hamilton Planning Area.
- 2. (a) That approval be given to City Initiative 94-E for a general text amendment to Zoning By-law No. 6593 with respect to the definitions of "lodging house", "hostel", "residential care facility", "short-term care facility" and "tourist home" on the following basis:
 - (i) That Subsection 2.(2)A.(xii) of Zoning By-law No. 6593 be amended by deleting the existing definition of "lodging house" and replacing it with the following:

"Lodging House" shall mean a dwelling or building or portion thereof in which lodging is provided for more than 3 persons for remuneration, or the provision of services or both, and the lodging rooms do not have bathrooms and kitchen facilities for the exclusive use of individual occupants, but shall not include the following:

 - (1) a hostel
 - (2) a hotel
 - (3) a public or private hospital
 - (4) a nursing home
 - (5) a home for the aged or a home for elderly persons
 - (6) a tourist home
 - (7) a residential care facility
 - (8) a short-term care facility; and,

where such facilities are licensed, approved or supervised under a general or special Act other than the Municipal Act.

- (ii) That Subsection 2.(2)A.(x) of Zoning By-law No. 6593 be amended by adding the words "lodging house" after the phrase "except a" in the fourth line of the definition, so that the definition of "Hostel" shall read as follows:

"Hostel" shall mean and include every establishment in which men only or women only are harboured, received or lodged for hire for a single night or for less than a week at one time, except a lodging house, hotel, tourist home, or private hospital; and,

- (iii) That Subsection 2.(2)A.(xi) of Zoning By-law No. 6593 be amended adding the words "lodging house" after the phrase "shall not include a" in the third line of the definition, so that the definition of "Hotel" shall read as follows:

"Hotel" shall mean and include any hotel within the meaning of The Hotel Registration of Guests Act or The Liquor License Act, but shall not include a lodging house, hostel, tourist home, or apartment hotel; and,

- (iv) That Subsection 2.(2)A.(xiiaa) of Zoning By-law No. 6593 be amended by adding the words "lodging house" after the words "foster home" in the second last line of the definition, so that the definition of "Residential Care Facility" shall read as follows:

"Residential Care Facility" means a fully detached residential building occupied by a maximum number of supervised residents as permitted by a district, exclusive of staff, residing on the premises as a group because of social, emotional, mental or physical handicap or personal distress for the purpose of achieving well-being through either one or more programs of self-help, professional care, guidance, supervision not otherwise beneficially available within the resident's own family or if the resident were residing on the premises where,

- (1) the residents are referred to the facility by a hospital, court or government agency; or,
- (2) the facility received all or part of its non-capital funds from a government; or,
- (3) the facility is regulated by or supervised under any Federal or Provincial statute or a Municipal by-law,

but does not include a foster home, lodging house, sanatorium, nursing home or home for the aged; and,

- (v) That Subsection 2.(2)A.(xiiaaa) of Zoning By-law No. 6593 be amended by adding the words "lodging house" after the words "foster home" in the second last line of the definition, so that the definition of "Short-Term Care Facility" shall read as follows:

"Short-Term Care Facility" means a fully detached residential building occupied by a maximum number of supervised residents as permitted by a district, exclusive of staff or a part residential building occupied wholly as to the residential portion of the building by a maximum number of residents as permitted by a district, exclusive of staff, who individually require immediate shelter and assistance for a period normally not exceeding two weeks where,

- (1) the residents are referred to the facility by a hospital, court or government agency; or,
- (2) the facility received all or part of its non-capital funds from a government; or,
- (3) the facility is regulated by or supervised under any Federal or Provincial statute or a Municipal by-law,

but does not include a foster home, lodging house, sanatorium, nursing home or home for the aged; and,

- (vi) That Subsection 2.(2)A.(xiv) of Zoning By-law No. 6593 be amended by adding the words "lodging house" after the words "except a" in the last line of the definition, so that the definition of "Tourist Home" shall read as follows:

"Tourist Home" shall mean a dwelling in which men and women are harboured, received or lodged for hire for a single night or for less than a week at one time, except a lodging house, hotel or private hospital.

- (b) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 for presentation to City Council; and,
- (c) That the proposed modification in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

3.
 - (a) That Council endorse the "complete application" process including pre-consultation and the use of the "complete application" form established by the Planning Department in regard to development approvals processing as required by the Planning and Municipal Statute Amendment Act; and,
 - (b) That Planning staff be authorized and directed to prepare the appropriate "complete application" forms and, accordingly, revise processes and procedures for Official Plan Amendments, Zoning By-law Amendments, Site Plan Control Applications and Condominium Conversions in accordance with the provisions of the Planning Act, as amended by the Planning and Municipal Statute Amendment Act, including prescribed information as stipulated in the relevant Regulations and the other information and material required to review all development applications; and,
 - (c) That the City of Hamilton, on behalf of the Region, give notice and hold the formal public meeting with respect to Draft Plans of Subdivision; and,
 - (d) That the City Solicitor be directed to prepare a by-law incorporating the necessary amendments to the procedural By-law under Section 105 and 106 of the Municipal Act which delegates the responsibility for holding public meetings to the Planning and Development Committee to include responsibility for public meetings on subdivision applications; and,
 - (e) That the City Solicitor be directed to prepare a by-law defining the components of a "complete application" form in accordance with the Planning and Municipal Statute Amendment Act.
4.
 - (a) That reductions of security held under Site Plan Agreements be permitted to 50% of the total value of the work required; and,
 - (b) That reductions be dealt with on a request basis; and,
 - (c) That a Two Hundred Dollars (\$200.) administration fee be levied by the Building Commissioner for each security reduction request; and,
 - (d) That reduction requests be reviewed and processed by the Building Department upon the production by the Applicant, at the Applicant's sole expense, of an Engineer's Certificate, satisfactory to the Building Commissioner, which indicates:
 - (i) what works are complete; and,

1995 May 9

- (g) C-37 A By-law to Designate Land Located at Municipal Nos. 142, 144, 146, 148, 150, 152, 154, 156 and 160 James Street South as Property of Historic and Architectural Value and Interest.

RESPECTFULLY SUBMITTED,

**ALDERMAN D. DRURY, CHAIRPERSON
PLANNING AND DEVELOPMENT COMMITTEE**

**Stella Glover
Secretary**

1995 May 3

REPORT OF THE FINANCE AND ADMINISTRATION COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Finance and Administration Committee presents its **FOURTEENTH** Report for 1995 and respectfully recommends:

1. (a) That the City resolve Ontario Court (General Division) Small Claims Court Action No. 4106/94 by the payment to the Plaintiff, Victor Pilon, of the sum of \$410., inclusive of all damages, interest and costs; and,

 (b) That the Plaintiff be required to execute a Full and Final Release in a form satisfactory to the City Solicitor; and,

 (c) That Ontario Court (General Division) Small Claims Court Action No. 4106/94 be dismissed without costs.
2. (a) That the Mayor and City Clerk be authorized to execute an Assignment of Judgment in Ontario Court (General Division) Action No.2473/83 to the Minister of Financial Institutions for the Province of Ontario, in a form satisfactory to the City Solicitor; and,

 (b) That the City Solicitor make application to the Motor Vehicle Accident Claims Fund for satisfaction of the Judgment in Ontario Court (General Division) Action No. 2473/83.
3. (a) That approval be given to the action taken by the City Clerk in authorizing Hamilton Artists Inc., to use the Second Floor Foyer, West End, for a display entitled "Boxes by Artists", from Thursday, 1995 April 13 to Friday, 1995 May 5; and,

 (b) That the City Clerk be granted authority to approve similar use in future years, provided it does not interfere with any other activity.
4. That as referred to in Section 18 of the Sixth Report for 1995 of the Transport and Environment Committee, the construction of an independent concrete sidewalk on the south side of Brampton Street between Woodward Avenue and Dunn Avenue under the Local Improvement Act at an estimated cost of \$17,560. as the City's share be financed from the 1995 Capital Levy (Account Centre No. CH 22002).

5. (a) That the City Solicitor be authorized to prepare an appropriate By-Law to construct an independent concrete sidewalk on the east side of Upper Gage Avenue from Stone Church Road to Quail Drive; from approximately 72 m south of Loconder Drive (south limit of #1285) to Loconder Drive and on the west side of Upper Gage Avenue from Stone Church Road to approximately 89.5 m north of Robertsfield Drive (south limit of #1304); from approximately 120 m north of Robertsfield Drive (north limit of #1300) to Loconder Drive and from approximately 74 m north of Loconder Drive (north limit of #1250) to approximately 84 m northerly (north limit of #1232) under the Local Improvement Act at an estimated cost of \$88,000. as the City's share of \$17,217.50 be financed from the 1995 Capital Levy (Account Centre No. CH 22002) and the balance of \$70,782.50 being the owner's share to be financed by the issuance of debentures for a period not to exceed 20 years; and,
- (b) That application be made to the Regional Municipality of Hamilton-Wentworth to issue debentures in the amount of \$70,782.50 for a term not to exceed 20 years for the above project.
6. That the City Treasurer be directed to close the following Capital Project accounts with any excess funding to be transferred to its original source of financing:

Capital Centre Number	Project Description	Authorized Gross Cost	Expended/ Committed To Date	Balance Available	Source(s) of Financing
(a) 319041002	Accommodation Requirements - City Hall	\$150,000.	\$149,917.12	\$82.88	RCP
(b) 319151013	Feasibility Study - Co-generation (C.U.P.)	24,500.	23,309.28	1,190.72	Provincial Grant
(c) 319241008	Energy Conservation Projects	100,000.	99,755.62	244.38	Current Budget
(d) 319441010	Norman Pinky Lewis - Replace Roof	125,000.	124,953.00	47.00	RCP
(e) 319441018	Energy Conservation Projects	100,000.	99,918.77	81.23	CL
TOTAL				\$1,646.21	

7. That the Damage Award to the Complainant, Mr. J. Oliver, c/o Ursel & Wilkey (Solicitors) pursuant to the Board of Inquiry Decision 1995 March 6, be satisfied by a City cheque, charged to the Unclassified Expenditures, funded as possible from donations received.
8. (a) That Schedule 22, of Licence By-law No. 93-069, which requires a Transient Trader licence for each location, be amended to reinstate the former definition of a Transient Trader which does not require a business, currently assessed for business taxes, to obtain a Transient Trader licence, but would require one licence for those businesses not on the Assessment Roll, regardless of the number of locations; and,
 (b) That the appropriate By-law, as prepared by the Law Department, be presented to City Council for approval.
9. (a) That the loan in the amount of \$20,000. for hosting of the 1995 International Great Lakes/St. Lawrence Mayor's Conference by the City of Hamilton from 1995 June 28-30, be provided on an interest free basis, and be temporarily financed from the Reserve for Contingency, Account Centre No CH 00115; and,
 (b) That the expenditures and revenues for the conference be recorded and controlled within the City's financial records.
10. That transportation considerations estimated at \$20,000. and the Grey Cup Festival '96 estimated at \$1,500,000. to a total of \$1,520,000., \$110,000. of which would be spent in 1995, be temporarily financed on a full cost recovery basis from the Reserve for Working Funds, Account Centre No. CH 00172.
11. That a purchase order be issued to R.C.M. Contracting Ltd., Hamilton, to supply various maintenance services as and when required by the Real Estate Division of the Property Department and the Building Department during 1995, 1996 and 1997, being the lowest acceptable of the twelve (12) tenders received in accordance with the specifications issued by the Manager of Purchasing and Vendor's tender, and be financed through the Building Department's Property Standards Account No. CH 15411 00001, and the Property Department's Building Repairs - Civic Properties Account No. CH 57301 31106.

Hourly Rate One Person	\$30.
Hourly Rate Two People	\$37.
Hourly Rate Three People	\$44.
Hourly Rate For Rubber Tire Backhoe With Operator	\$40.

12. (a) That an Offer to Purchase, duly executed by Elite Realty Corp. (R. McDowell, President), on 1995 April 18 and scheduled to close on or before 1995 December 15, for the lands being part of Lot 9, Registered Plan 290, save and except part of said Lot 9, designated as Part 48 on Plan 62R-5049, save and except part of said Lot 9 as described in Instrument No. 16783 C.D., subject to the Licence in favour of H.S.R. over part of said Lot 9, designated as Part 1 on Plan 62R-13022, municipally known as 775 Upper Wentworth Street, in the City of Hamilton, in the Regional Municipality of Hamilton-Wentworth, comprising an area of 0.856 acres, more or less, be approved and completed as the requirements in the Municipal Act pursuant to the City's Real Property Procedural By-law No. 95-049 enacted on 1995 February 14 have been fulfilled by the City, and funds derived from this sale of \$250,000. be credited to Account No. CH 4X501 00102 (Reserve for Property Purchases (Sales); and,
- (b) That the required deposit cheque in the amount of \$12,500. be held by the City Treasurer pending Council approval; and,
- (c) That the City makes no representation, warranty, condition either express or implied as to soil or other environmental conditions, services, utilities, fitness for purpose of zoning and building by-laws, park, road widening or other possible dedications, or as to charges, levies and regulation of the City, the Regional Municipality, Utilities or other regulatory authorities; and,
- (d) That the Purchaser acknowledges and agrees that there are no warranties and/or representations by the Vendor and that the Property is being purchased on an "as is" basis except as specifically herein provided. The Purchaser further acknowledges that the Vendor is making no representation or warranties whatsoever with respect to the Property. The Purchaser acknowledges that it has relied entirely upon its own inspection and investigation with respect to quantity and value of the property; and,
- (e) That the Purchaser acknowledges that it has inspected the property and has conducted an independent investigation of present and past uses of the property; and that the Purchaser has not relied on any representations by the Vendor concerning any condition of the property, environment or otherwise; and,
- (f) That the completion of this Offer to Purchaser is conditional on the following:
- (i) The Purchaser satisfying himself within 30 days of City Council acceptance as to the environmental status of the property; and,

- (ii) The Purchaser will, at its expense, apply for within 30 days of City Council acceptance of this Offer to Purchase, and obtain a rezoning of the subject lands to allow for general office use. The required rezoning shall include the following:
 - (1) The passing of a by-law by the municipality to rezone the subject property to allow the above-described use; and,
 - (2) The passing of the appeal period for the appeal of the said by-law; and,
- (iii) If the required as set out in (ii) above has not been completed by the closing date set out in this Offer to Purchase, then this Offer to Purchase shall be null and void and the deposit (including the sum paid for the granting of this Offer) shall be returned by the Owner to the Purchaser without interest, and the Purchaser shall not be liable for any damages or costs; and,
- (iv) The Owner acknowledges that in approving this Offer to Purchase by the City, the City does not fetter the discretion of the City Council to decide whether to pass a by-law to rezone the subject lands, pursuant to the application set out in (ii) above; and,
- (g) That City Council is under a statutory duty under the Planning Act, 1990, as amended, to consider all the factors set out in that Act, in deciding whether to pass a by-law to rezone the subject lands; and,
- (h) That the Vendor and Purchaser agree that no commission is owing or shall be paid to Elite Realty Corp. or Coldwell Banker Elite Realty Corp., its broker(s), its salesperson(s), and/or assigns in respect to the herein transaction; and,
- (i) That if the Vendor receives an unconditional Offer and is prepared to recommend said Offer, the Purchaser upon written notice has 72 hours to remove all conditions. Should these conditions not be waived within 72 hours of written notification, this Offer to Purchase shall become null and void; and,
- (j) That the Purchaser is to be allowed one final inspection of the said property along with the City's Maintenance Department to assist in familiarizing the Purchaser with the day to day operation and maintenance of the building (heating, electrical, plumbing) within 14 days of closing; and,
- (k) That the Vendor agrees to drain stagnant water from the 2 interior drainage outlets on or before closing; and,

- (l) That the Vendor covenants and agrees to allow the Purchaser, its Consultants, Engineers and Architects to enter upon the property from time to time during its normal working hours from and after the date of acceptance of this Agreement by both parties up to the closing date of this Agreement for the purpose of inspecting the property and carrying out such test, surveys and measurements as the Purchaser in his sole discretion and expense deems necessary. The Purchaser agrees that an agent of the Vendor shall attend at such inspections; and,
 - (m) That the Mayor and City Clerk be authorized and directed to execute the necessary documents; and,
 - (n) That in accordance with Real Property Sales Procedural By-law No. 95-049:
 - (i) Satisfactory notice has been given to the public of the intended sale; and,
 - (ii) An appraisal of the fair market value of the real property intended to be sold was obtained on the 30th day of March 1995; and,
 - (iii) The City Clerk be authorized and directed to execute (and issue) a Certificate of Compliance in the form prescribed pursuant to Section 193 of the Municipal Act.
13. (a) That the City be authorized to enter into Extension Agreements, if required, in a form satisfactory to the City Solicitor and the City Treasurer pursuant to Section 8 of the Municipal Tax Sales Act, with the owners of the following properties to extend the time open for payment of realty tax arrears in accordance with the policy for extension agreements approved by City Council on 1994 June 28:
- | | |
|----------------|------------------|
| 69 Poulette | 183 Mary |
| 443 Ferguson N | 10 Harvey |
| 15 Harvey | 137 Ewen |
| 192 Robert | 115 King William |
- (b) That a by-law to authorize the said Extension Agreements be presented to City Council for approval; and,
 - (c) That the Mayor and City Clerk be authorized to execute the aforesaid by-law and extension agreements.
14. That, notwithstanding the provisions of the City of Hamilton Procedural By-law, the City of Hamilton meeting schedule for the months of July and August be revised and amended as per the Schedule, attached herewith and marked Appendix "A".

1995 May 9

15. That leave be granted to introduce the following Bills:

- (a) D-40 A By-law to Replace Schedule 22 to Licensing By-law No. 79-323 as Consolidated in By-law No. 93-069 respecting: Transient Vendors.
- (b) D-41 A By-law to Authorize an Extension Agreement for Payment of Realty Tax Arrears.
- (c) D-42 A By-law to Confirm the Proceedings of the Council of The Corporation of the City of Hamilton.

Respectfully submitted,

**ALDERMAN B. CHARTERS, CHAIRMAN
FINANCE AND ADMINISTRATION COMMITTEE**

**Susan K. Reeder
Secretary
1995 May 2**

CITY OF HAMILTON

TENTATIVE MEETING SCHEDULE FOR THE MONTH OF JULY, 1995

S	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	S
2	3 CANADA DAY	4 9:30 P. & R. - 233 12:00 Arts Advisory - 219 1:30 F. & A. - 233	4 9:30 P. & D. - 233 3:00 Committee of Adjustment - 219 5:30 Mundialization - 233	6 9:30 T. & E. - 233 1:00 D.A.P. - 233	7	8
9	10 12:00 LACAC - 233 4:00 Sesquicentennial Ctte. - 233 5:00 Football Hall of Fame - 219 6:00 Status of Women-233	11 10:00 Taxi Advisory - 219 12:00 Ham. Historical Board - 233 7:30 City Council	12 3:00 Committee of Adjustment - 219 6:00 Licensing - 233	13 5:00 Mum Show - 233	14 12:00 Crystal Palace - 233	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

CITY OF HAMILTON **TENTATIVE MEETING SCHEDULE FOR THE MONTH OF AUGUST, 1995**

S	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	S
		1	2	3	4	5
6	7 CIVIC HOLIDAY	8	9	10	11	12
13	14 12:00 LACAC - 233 4:00 Sesquicentennial Ctte. 233 5:00 Football Hall of Fame - 219 6:00 Status of Women-233.	15 8:00 D.A.P. - 233 10:00 Taxi Advisory - 219 12:00 Ham. Hist. Board - 233	16 12:00 Arts Advisory - 233 3:00 Ctte. of Adj.- 219 5:30 Mundialization -264	17	18	19
20	21 9:30 T. & E. - 233	22 9:30 P. & R. - 233 1:30 F. & A. - 233	23 9:30 P. & D. - 233	24	25 12:00 Crystal Palace - 233	26
27	28	29	30 3:00 Ctte. of Adj. - 219	31 5:00 Mum Show - 233		

**MEETING OF THE COUNCIL
OF THE CORPORATION OF THE CITY OF HAMILTON**

**TUESDAY, 1995 MAY 9
7:30 O'CLOCK P.M.
COUNCIL CHAMBER, CITY HALL**

B I L L S

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAWNO. 95-

TO STOP-UP, CLOSE AND RETAIN THE PUBLIC WALKWAY LOCATED
BETWEEN 300 & 304 ST. ANDREWS DRIVE
DESIGNATED AS BLOCK F, ON PLAN M-27

WHEREAS the Council of The Corporation of the City of Hamilton is empowered under Section 297 of The Municipal Act, Revised Statutes of Ontario, 1990, Chapter M.45, and amendments thereto, to establish and layout, widen, alter, divert, stop-up, lease, close, sell or retain any highway or part of a highway;

AND WHEREAS The Corporation of the City of Hamilton is the owner of the public walkway designated as Block F, on Plan M-27.

AND WHEREAS Notice of the City's intention to pass this By-Law has been published as required by Section 300 of the Municipal Act for four consecutive weeks in the Hamilton Spectator, a newspaper having general circulation in the City of Hamilton;

AND WHEREAS the Council of The Corporation of the City of Hamilton, through its Transport and Environment Committee, has heard all persons who applied to be heard, no matter whether in objection to or in support of this By-Law;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. That the public walkway at St. Andrews Drive, described as;

All of Block F, Plan M-27.;

City of Hamilton

Regional Municipality of Hamilton-Wentworth

Is hereby stopped and closed.

2. That the soil and freehold of the said closed portion of alley, designated as Block F, on Plan M-27, be retained by The Corporation of the City of Hamilton.
3. That the Commissioner of Transportation and Environmental Services be authorized to submit this By-Law to the Minister of Municipal Affairs for approval.
4. That this By-Law shall come into force and take effect on the date of its registration and the Commissioner of Transportation/Environmental Services is hereby authorized to register this By-Law.

PASSED this

day of

A.D. 1995

City Clerk

Mayor

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 95-

To Authorize:

1. The construction as Local Improvements as a City initiative (without petition) under Section 12 of the Local Improvement Act of independent concrete sidewalks:
 - a) on the north side of Stone Church Road from Upper Gage Avenue to approximately 61 m west of Rambo Street (east limit of #749 Stone Church Road); from approximately 107 m west of Rambo Street to approximately 222 m west of Upper Sherman Avenue; from approximately 383 m west of Upper Sherman Avenue to approximately 26 m westerly (Hydro property) and,
 - b) on the south side of Stone Church Road from Upper Gage Avenue to approximately 83 m westerly (east limit of 41 Epic Place); from Leaway Avenue to Eleanor Avenue; and, from approximately 37 m west of Eleanor Avenue to approximately 30 m east of Ridgemount Drive, as described in Schedule "A";
2. The imposition of a special assessment upon the lands of the abutting owners in respect of the abutting owners' portion of the cost of the works;
3. The preparation of plans, specifications, and reports and the supervision of the construction by the Commissioner of Transportation/Environmental Services.

WHEREAS the Council of The Corporation of the City of Hamilton did decide to authorize preparation of this by-law because it is expedient to undertake the works hereinafter described as local improvements, without petition on the initiative of Council, (Item 29 of the 5th Report of the Transport and Environment Committee on April 11, 1995);

AND WHEREAS the Council of The Corporation of the City of Hamilton did authorize that the Corporation's portion of the cost of the proposed works be paid out of current revenues, (Item 14 of the 11 Report of the Finance and Administration Committee on April 11, 1995);

AND WHEREAS notice of Council's intention to undertake the works as local improvements has been given by publication of the notice and by service of it upon the owners of the lots liable to be specially assessed under Section 12 of the Local Improvement Act, R.S.O. 1990, Chapter L26;

AND WHEREAS a majority of the owners, representing at least one-half of the value of the lots that are liable to be specially assessed, have not, within one (1) month after publication, petitioned the Council not to proceed with the works;

AND WHEREAS the Council has obtained reports, estimates and statements required for the undertaking of the said works;

AND WHEREAS the Council of The Corporation of the City of Hamilton intends to raise the Corporation's portion of the cost of the works out of its current revenues and to raise the abutting owners' portion of the costs by borrowing the required funds through the Region's issuance of debentures until said abutting owners' portion of the cost is paid by the special assessment;

AND WHEREAS the Regional Municipalities Act, R.S.O. 1990, Chapter R.8 provides (section 111) that "no area municipality has power to issue debentures", and that the Regional Council may borrow money for the purposes of any area municipality;

AND WHEREAS the Ontario Municipal Board Act, R.S.O. 1990, Chapter O.28, section 65, states that a municipality shall not authorize any work the cost of which is to be raised in a subsequent year or years until the approval of the Board has first been obtained;

AND WHEREAS the Local Improvement Act, (section 53(7)) states that the amount of monies borrowed in respect of the abutting owners' portion of the cost of the works "...shall not be deemed to be part of the existing debenture debt of the Corporation within the meaning of the provisions of the Municipal Act limiting the borrowing powers of the municipality";

AND WHEREAS Ontario Regulation 710/92 prescribed pursuant to the Municipal Act, R.S.O. 1990, Chapter M.45, establishes a limit for the City of Hamilton's debt obligations which do not require approval of the Ontario Municipal Board;

AND WHEREAS the financial commitments, liabilities and debts of the local improvement works listed herein, being financed by debentures to be issued by the Region on behalf of the City, together with the City of Hamilton's other financial obligations and debts, do not exceed the City's maximum permitted debt and financial obligation limit prescribed by Ontario Regulation 710/92 and therefore, approval of the Ontario Municipal Board to issuance of debentures by the Region hereinafter described is not required.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The construction of the works more particularly described in Schedule "A" hereto annexed and forming part of this by-law, may be proceeded with under the Local Improvement Act, at an estimated cost not to exceed \$263,620.
2. The portion of the estimated cost of the works in the amount of \$222,092. shall be borne by the owners of the lands abutting directly on the works and the estimated cost per metre thereof (set out in Schedule "A" attached hereto,) shall be rated and specially assessed upon the lots abutting directly on the works, according to the extent of their respective frontages therein, by an equal special rate per metre of such frontage payable in equal annual instalments until fully paid.
3. Pending payment of the abutting owners' portion of the total cost referred to in Section 2, the said share or portion shall be financed by the issue of debentures by The Regional Municipality of Hamilton-Wentworth on behalf of the City of Hamilton,
 - (a) to the extent sufficient to provide an amount not exceeding \$222,092.;
 - (b) repayable over a term not exceeding twenty (20) years, chargeable to The Corporation of the City of Hamilton.

4. The Commissioner of Transportation/Environmental Services is hereby authorized to,
 - (a) prepare all necessary plans, specifications and reports required for the construction of the works; and,
 - (b) supervise construction of the works.
5. The Mayor and City Clerk are hereby authorized to execute, on behalf of The Corporation of the City of Hamilton, all contracts necessary for the construction of the works.

PASSED this day of A.D. 1995.

CITY CLERK

MAYOR

(1995) 5 R.T.E.C. 29, April 11
(1995) 11 R.F.A.C. 14, April 11

SCHEDULE "A"

Construction of an independent concrete sidewalk

on the north side of Stone Church Road from Upper Gage Avenue to approximately 61 m west of Rambo Street (east limit of #749 Stone Church Road); from approximately 107 m west of Rambo Street to approximately 222 m west of Upper Sherman Avenue; from approximately 383 m west of Upper Sherman Avenue to approximately 26 m westerly (Hydro property) and,

on the south side of Stone Church Road from Upper Gage Avenue to approximately 83 m westerly (east limit of 41 Epic Place); from Leaway Avenue to Eleanor Avenue; and, from approximately 37 m west of Eleanor Avenue to approximately 30 m east of Ridgemount Drive,

at the estimated cost not exceeding the following:

City's Share	\$ 41,528.
Abutting Owners' Share	<u>222,092.</u>
TOTAL ESTIMATED COST	\$263,620.

Estimated Cost per metre frontage payable by the abutting owners in Fifteen (15) annual instalments	\$115.
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THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON ENACTS AS FOLLOWS:

1. **Schedule 10 (Stops at Intersections) of By-law 89-72 To Regulate Traffic** passed on the 28th day of February 1989 is hereby amended by adding thereto the following items, namely:-

"Upper Kenilworth Lawfield	Northbound and Southbound Northbound and Southbound	Landron Windrush".
-------------------------------	--	-----------------------

2. **Schedule 29 (No Stopping Areas)** is hereby amended by adding thereto the following item, namely:-

"King North Cline (west leg) to 204 feet east Anytime".

3. **Schedule 35 (Wheelchair Loading Zones)** is hereby amended by deleting therefrom the following item, namely:-

"Dunsmure South 26 feet 25 feet east of St. Clair 7:00 am - 9:00 pm".

4. **Schedule 30 (Commercial Vehicle Loading Zones)** is hereby amended by added thereto the following item, namely:-

"Caroline	West	36 ft.	30 ft. north of Charlton	9:00 am - 5:00 pm Mon to Fri.
-----------	------	--------	--------------------------	----------------------------------

and by deleting therefrom the following item, namely:-

"Caroline West 36 ft. 30 ft. north of Charlton 8:00 am - 6:00 pm".

5. Schedule 31 (School Bus Loading Zones) is hereby amended by deleting therefrom the following items, namely:-

Bonaparte	South	80 feet	124 feet east of the east curb line of Brigade	7:00 am - 6:00 pm Monday to Saturday
Bonaparte	South	31 feet	111 feet east of the east curb line of Corsica	7:00 am - 6:00 pm Monday to Saturday

and by adding thereto the following items, namely:-

Bonaparte	South	120 feet	84 feet east of the east curb line of Brigade	7:00 am - 6:00 pm Monday to Saturday
Bonaparte	South	29 feet	82 feet east of the east curb line of Corsica	7:00 am - 6:00 pm Monday to Saturday".

PASSED this day of A.D. 1995.

CITY CLERK

MAYOR

BY-LAW NO. 95 -

TO AMEND BY-LAW NO. 89-72 TO REGULATE TRAFFIC

THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON ENACTS AS FOLLOWS:

TRAFFIC

1. **Schedule 34 (Sticker Permit Parking)** of By-law 89-72 To Regulate Traffic passed on the 28th day of February 1989 is hereby amended by adding thereto the following items, namely:-

*Caroline	West	commencing at a point 144 feet south of Markiand to a point 17 feet southerly therefrom	Anytime
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Park Row	East	commencing at a point 79 feet south of Roxborough to a point 21 feet southerly therefrom	Anytime*
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and by deleting therefrom the following item, namely:-

"Maplewood · South from a point 39 feet west of Cedar to a point 20 feet westerly therefrom Anytime"

2. **Schedule 26 (No Parking Areas)** is hereby amended by adding thereto the following items, namely:-

Templemead	South & West	Independence to the south property line of No. 314 Templemead	Anytime
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Highridge	North & West	North property line of No. 238 Highridge to a point 40 feet east of the west property line of No. 238 Highridge	Anytime*
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and by deleting therefrom the following item, namely:-

"Highridge North & West from the north to west property lines of No. 238 Highridge Anytime".

3. **Schedule 25 (Parking Time Limits)** is hereby amended by adding thereto the following item, namely:-

"Leslie	Both	West 34th to West 35th 1 hr	8 am - 6 pm	Mon - Fri.
---------	------	-----------------------------	-------------	------------

PASSED this day of A.D. 1995.

CITY CLERK

MAYOR

The Corporation of the City of Hamilton

BY-LAW NO. 95-

To Adopt:

Official Plan Amendment No. 129

Respecting:

**LANDS LOCATED AT MUNICIPAL NO. 852 UPPER WENTWORTH STREET
WITHIN THE BRULEVILLE NEIGHBOURHOOD**

The Council of The Corporation of the City of Hamilton enacts as follows:

1. Amendment No. 129 to the Official Plan of the Hamilton Planning Area consisting of Schedule 1, hereto annexed and forming part of this by-law, is hereby adopted.
2. It is hereby authorized and directed that such approval of the Official Plan Amendment referred to in section 1 above, as may be requisite, be obtained and for the doing of all things for the purpose thereof.

PASSED this day of

A.D. 1995

CITY CLERK

MAYOR

(1995) 3 R.P.D.C. 1A, January 10
Nicola Clarizio, Owner
ZAC-94-26

"In addition to the permitted uses set out in Subsection A.2.1 - Residential Uses, for those lands shown on Schedule "B" as SPECIAL POLICY AREA 68, and located at 852 Upper Wentworth Street, general offices and home improvement uses will be permitted."

Implementation:

A Zoning By-law amendment will give effect to the intended use on the subject lands.

This is Schedule "1" to By-law No. 95- , passed on the day of , 1995.

**The Corporation of the
City of Hamilton**

City Clerk

Mayor

Amendment No. 129

to the

City of Hamilton Official Plan

The following text, together with Schedule "B", attached hereto, constitutes Official Plan Amendment No. 129.

Purpose:

The purpose of this Amendment is to establish "Special Policy Area 68" for 852 Upper Wentworth Street to permit a mixed use commercial/residential building within the "Residential" designation.

Location:

The lands affected by this Amendment are known municipally as 852 Upper Wentworth Street, within the Bruleville Neighbourhood.

Basis:

The basis for permitting a mixed use commercial/residential building for this property is as follows:


- 1) The subject lands are located on a major arterial roadway; and,
- 2) The proposed mixed use development would be compatible with existing development in the surrounding area, including medical and dental offices, apartments and commercial. In addition, the lands to the north are designated "Commercial/Residential Conversion".

Actual Changes:

- 1) Schedule "B" - Special Policy Areas be revised by adding the subject lands as Special Policy Area 68, as shown on the attached Schedule "B" of this Amendment; and,
- 2) The following new policy be added to Subsection A.2.9.3 - Other Policy Areas as Policy A.2.9.3.63:

schedule B
amendment no.129
to the
official plan
for the
city of hamilton

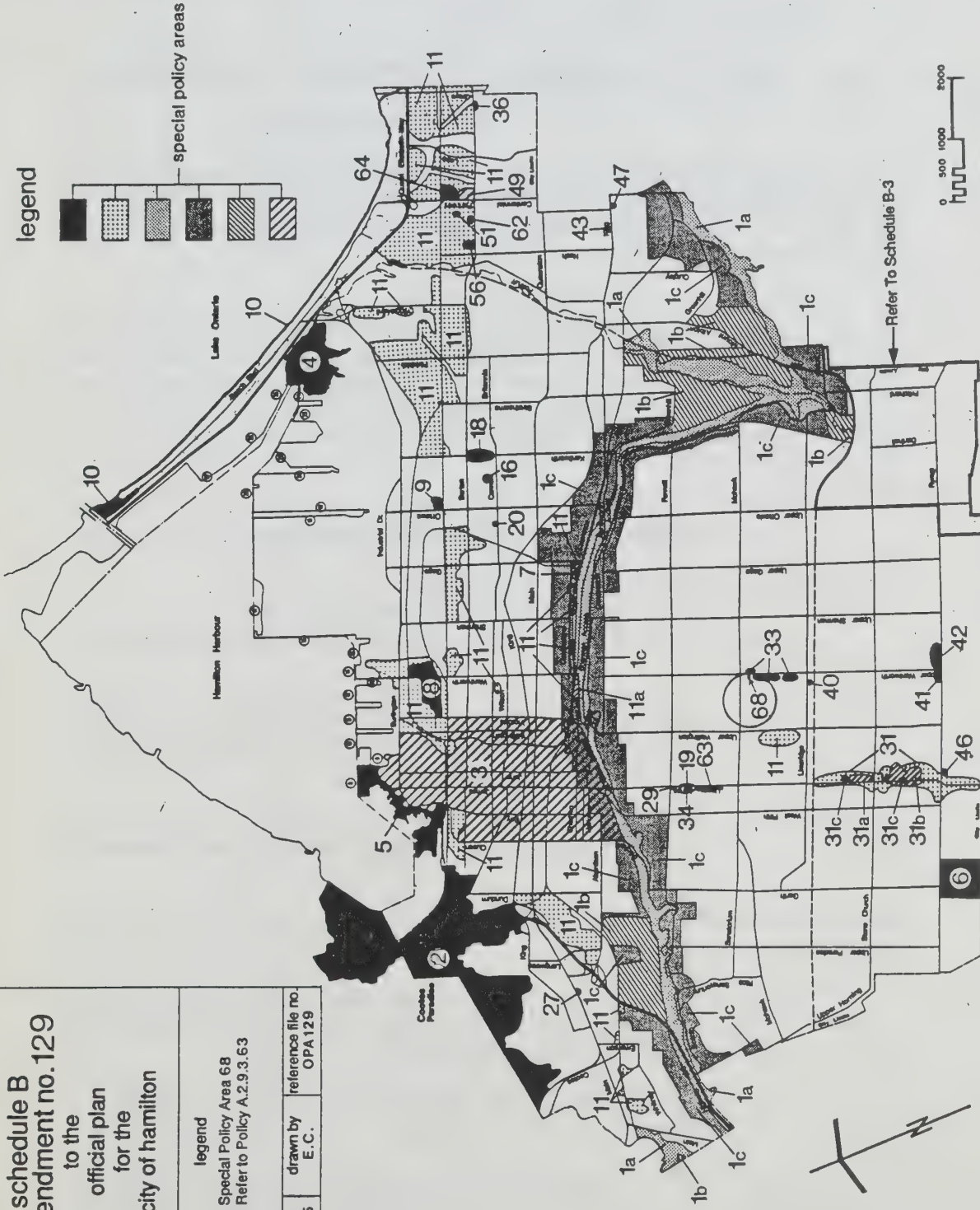
legend

 Special Policy Area 68
Refer to Policy A.2.9.3.63

date
JAN. 1995

drawn by
E.C.

reference file no.
OPA129



special policy areas

REFER TO
POLICY

AREA

1(a)	A.2.9.1.
1(b)	A.2.9.1.
1(c)	A.2.9.1.
2	A.2.9.2.
3	A.2.9.3.
	A.2.9.3.1.
4	A.2.9.3.2.
5	A.2.9.3.3.
6	A.2.9.3.4.
7	A.2.9.3.5.
8	A.2.9.3.6.
9	A.2.9.3.7.
10	A.2.9.3.8.
11	A.2.9.3.9.
11(a)	A.2.9.3.9.
16	A.2.9.3.14.
17	"Deleted"
18	A.2.9.3.16.
19	A.2.9.3.17.
20	A.2.9.3.18.
26	A.2.9.3.21.
27	A.2.9.3.22.
29	A.2.9.3.24.
30	A.2.9.3.25.
31	A.2.9.3.26.
31(a)	A.2.9.3.26.
31(b)	A.2.9.3.26.
31(c)	A.2.9.3.26.
32	A.2.9.3.27.
33	A.2.9.3.28.
34	A.2.9.3.29.
35	A.2.9.3.30.
36	A.2.9.3.31.
37	A.2.9.3.32.
38	"Deleted"
40	A.2.9.3.35.
41	A.2.9.3.36.
42	A.2.9.3.37.
43	A.2.9.3.38.
45	A.2.9.3.40.
46	A.2.9.3.41.
47	A.2.9.3.42.
48	"Deleted"
49	A.2.9.3.44.
50	A.2.9.3.45.
51	A.2.9.3.46.
53	"Deleted"
54	"Deleted"
55	A.2.9.3.50.
56	A.2.9.3.51.
62	A.2.9.3.57.
63	A.2.9.3.58.
64	A.2.9.3.59.

Refer to Schedule B-1 for Special Policy Areas
in the Downtown

schedule B

to the official plan
for
the city of Hamilton
94 12 15

The Corporation of the City of Hamilton

BY-LAW NO. 95-

To Amend:

Zoning By-law No. 6593

Respecting:

LAND LOCATED AT MUNICIPAL NO. 852 UPPER WENTWORTH STREET

WHEREAS it is intended to change the zoning of the lands hereinafter referred to and to establish special requirements under section 19B of By-law No. 6593 passed on the 25th day of July 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982, as amended by Official Plan Amendment No. 129, proposed by the Council of The Corporation of the City of Hamilton but not yet approved by The Regional Municipality of Hamilton-Wentworth in accordance with the provisions of Sections 4, 17 and 21 of the Planning Act, R.S.O. 1990, Chapter P.13.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Sheet No. E-18 of the District Maps, appended to and forming part of By-law No. 6593, is amended,

- (a) by changing from "C" (Urban Protected Residential, etc.) District to "C" - 'H' (Urban Protected Residential, etc. - Holding) District, the land comprised in Block 1; and
- (b) by changing from "AA" (Agricultural) District to "C" - 'H' (Urban Protected Residential, etc. - Holding) District, the land comprised in Block 2,

the extent and boundaries of each of which Blocks 1 and 2 are shown on a plan hereto annexed as Schedule "A".

2. The "C" (Urban Protected Residential, etc.) District provisions, as contained in Section 9 of Zoning By-law No. 6593, applicable to the lands referred to in section 1 are amended to the extent only of the special requirements that,

- (a) notwithstanding Section 9(1) of Zoning By-law No. 6593, the following uses shall be permitted:
 - (i) General offices and a kitchen cabinet showroom on the first and second floor and having a maximum total gross floor area of not more than 95.0 m² ;

- (ii) One dwelling unit on the second floor; and
 - (iii) An unlighted name plate having an area of not more than 0.2 square metres attached to and, as nearly as practicable, flush with the wall of the building;
- (b) Section 18A(26) of Zoning By-law No. 6593 shall not apply; and
 - (c) a minimum 3.0 m wide landscape planting strip and a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height shall be provided and maintained along the westerly lot line of Block 1.
3. (a) The 'H' symbols referred to in section 1 shall be removed conditional upon the applicant applying for and receiving approval for a Site Plan Control Application.
- (b) The 'H' symbol shall be removed by amendment to this by-law and the development of the lands referred to in section 1 may at such time proceed in accordance with the "C" District provisions, subject to the special requirements referred to in section 2 of this by-law.
4. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "C" District provisions, subject to the special requirements referred to in section 2.
5. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-1336.
6. Sheet No. E-18 of the District Maps is amended by marking the lands referred to in section 1 of this by-law, S-1336.
7. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED this

day of

A.D. 1995

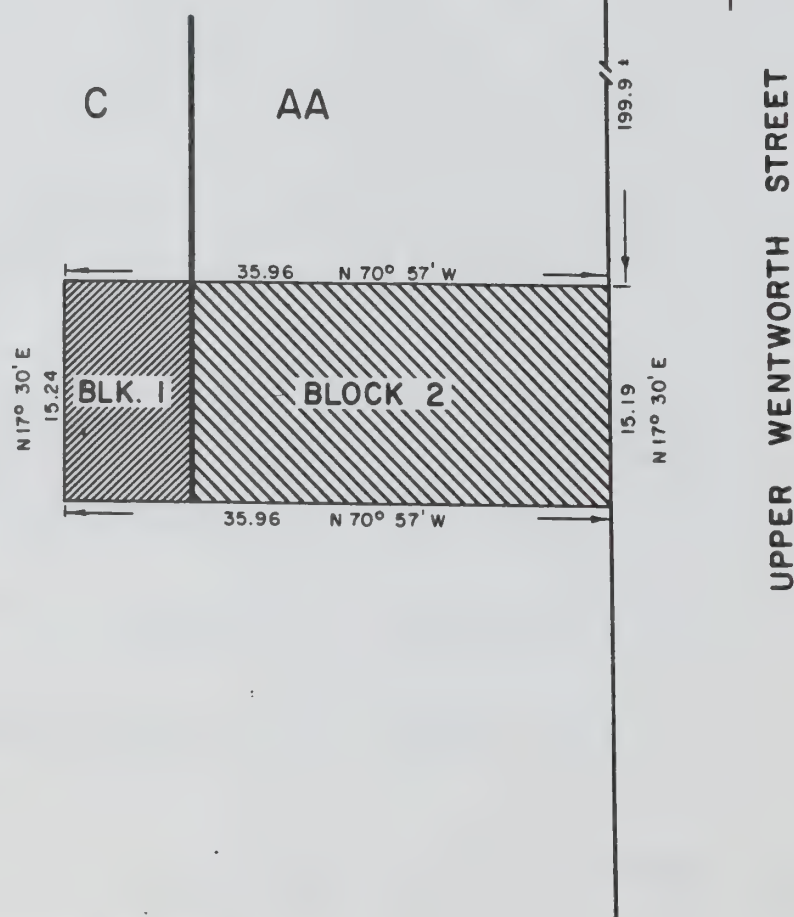
CITY CLERK

MAYOR

(1995) 3 R.P.D.C. 1B, January 10
Nicola Clarizio, Owner
ZAC-94-26

NORTH EAST CORNER
OF LOT 11 - CON. 6

MOHAWK ROAD EAST



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 95-.....
Passed the day of , 1995.

.....
Clerk

.....
Mayor

City of Hamilton

Schedule A

Map Forming Part of
By-Law No. 95-.....
to Amend By-Law No. 6593

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

- BLOCK 1**
 Modification to the "C" (Urban Protected Residential, etc.) District.
- BLOCK 2**
 Change in zoning from "AA" (Agricultural District to "C" (Urban Protected Residential, etc.) District, modified.

North



Scale
Not to Scale

Date
JANUARY 1995

Reference File No.
ZAC-94-26

Drawn By
Z.K.

The Corporation of the City of Hamilton

BY-LAW NO. 95-

To Establish:

Site Plan Control

Respecting:

LAND LOCATED AT MUNICIPAL NO. 852 UPPER WENTWORTH STREET

WHEREAS By-law No. 79-275, passed on the 25th day of September 1979, under Section 35a of the Planning Act, as re-enacted by the Planning Amendment Act, 1979, S.O. 1979, Chapter 59, Section 1, [now Section 41 of the Planning Act, R.S.O. 1990, c. P. 13], as amended by By-law No. 87-223, passed on the 28th day of July 1987, established site plan control in various parts of the City of Hamilton as of November 1, 1979;

AND WHEREAS it is desirable to amend By-law No. 79-275 to establish site plan control on the land hereinafter referred to.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Schedule "B" to By-law No. 79-275 is amended by adding the following thereto:
 154. Land located at Municipal No. 852 Upper Wentworth Street, shown on Appendix 154 hereto annexed and forming part of this by-law.
2. Appendix 154 to By-law No. 79-275 is hereto annexed as Schedule "A", and forms part of this by-law, and By-law No. 79-275, as amended.

PASSED this day of

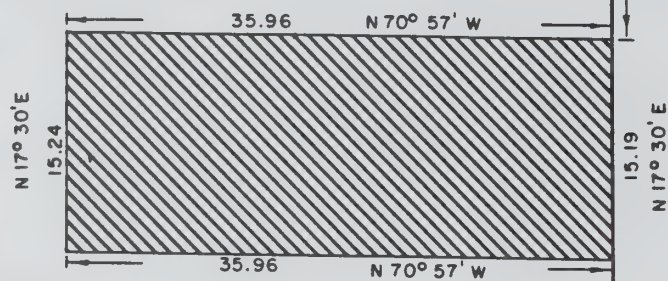
A.D. 1995

CITY CLERK

MAYOR

MOHAWK ROAD EAST

NORTH EAST CORNER
OF LOT 11 - CON. 6



UPPER WENTWORTH STREET

NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 95-.....
Passed the day of, 1995.

.....
Clerk

.....
Mayor

City of Hamilton

Appendix 154
to By-Law No. 79-275

as Amended by By-Law No. 87-223

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



Lands designated under this By-Law
as an area of Site Plan Control pursuant
to section 41 of the Planning Act,
R.S.O., 1990.

North



Scale
Not to Scale

Date
JANUARY 1995

Reference File No.
ZAC-94-26

Drawn By
Z.K.

The Corporation of the City of Hamilton

BY-LAW NO. 95-

To Amend:

Zoning By-law No. 6593
As Amended by By-laws No. 70-259, 73-291, 75-178,
83-169 and 84-101

Respecting:

**LANDS LOCATED ON THE EAST SIDE OF UPPER OTTAWA STREET
BETWEEN CARSON DRIVE AND LARCH STREET**

WHEREAS the Ontario Municipal Board, in its Order dated the 26th day of September 1989, (File No. Z 880125), allowed an appeal with respect to the property, the extent and boundaries of which are shown on Schedule "A" hereto annexed and forming part of this by-law, and amended Zoning By-law No. 6593 as hereinafter provided;

AND WHEREAS the Ontario Municipal Board Order authorized, and it is desirable to record, the said amendments to the Zoning By-law in the form of this amending by-law for record-keeping purposes.

NOW THEREFORE the Council of The Corporation of the City of Hamilton of the City of Hamilton enacts as follows:

1. Sheet No. E-59A of the District Maps, appended to and forming part of By-law No. 6593, is amended,

- (a) by changing from "DE" (Low Density Multiple Dwellings) District, modified, to "G" (Neighbourhood Shopping Centre, etc.) District, the lands comprised in Blocks 1 and 2; and
- (b) by changing from "G-3" (Public Parking Lots) District, modified, to "G" (Neighbourhood Shopping Centre, etc.) District, the land comprised in Block 3,

the extent and boundaries of each of which Blocks 1, 2 and 3 are shown on a plan hereto annexed as Schedule "A", attached hereto and forming part of this by-law.

2. The "G" (Neighbourhood Shopping Centre, etc.) District provisions, as contained in Section 13 of Zoning By-law No. 6593, as amended by By-laws No. 70-259, 73-291, 75-178, 83-169 and 84-101, applicable to the lands; the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A", are further amended to the extent only of the following special requirements:

- (a) the total floor area shall not exceed 5,951 m²;
- (b) notwithstanding Section 13(2) of By-law No. 6593, the height of any building or structure shall not exceed one storey;
- (c) notwithstanding Section 13(3)(ii) of By-law No. 6593, a side yard of not less than 3.0 m shall be provided and maintained;
- (d) notwithstanding paragraph 4 of Table 1 referred to in Section 18A.(1) of By-law No. 6593, not less than 292 parking spaces shall be provided and maintained;

- (e) notwithstanding Section 18A.(11) and Section 18A.(12)(a) and (b) of By-law No. 6593, a landscaped strip not less than 6.0 m in width shall be provided and maintained along the southerly lot line of Block 1, and a landscaped strip not less than 6.0 m in width shall be provided and maintained along the easterly lot line of Block 1 where the parking area and loading spaces abut a residential district;
- (f) notwithstanding Section 18A.(12)(c) of By-law No. 6593, the combination of a landscaped berm and visual barrier not less than 1.8 m in height but not more than 2.0 m in height shall be provided and maintained within the required 6.0 m landscaped strip along the southerly lot line of Block 1 and the combination of a landscaped berm and visual barrier not less than 1.8 m in height but not more than 2.0 m in height shall be provided and maintained along the easterly lot line of Block 1 where the parking area and loading spaces abut a residential district;
- (g) no access (vehicular, pedestrian or otherwise) to or egress from Carson Drive shall be permitted.

3. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "G" District provisions, subject to the special requirements referred to in section 2 of this by-law.

4. (1) By-law No. 83-169, passed on the 1st day of June 1983 and approved by the Ontario Municipal Board by Order dated the 31st day of October 1983, (File No. R 831100), respecting land located on the east side of Upper Ottawa Street, north of Carson Drive, is hereby amended by revoking sections 2, 3, 4 and 5.

(2) In all other respects, By-law No. 83-169 is hereby confirmed, unchanged.

5. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-413c.

6. Sheet No. E-59A of the District Maps is amended by marking the lands referred to in section 1 of this by-law, S-413c.

7. This by-law is enacted for record-keeping purposes in accordance with the Ontario Municipal Board Order dated the 26th day of September 1989, and these zoning amendments came into force and effect on the date of the said Order.

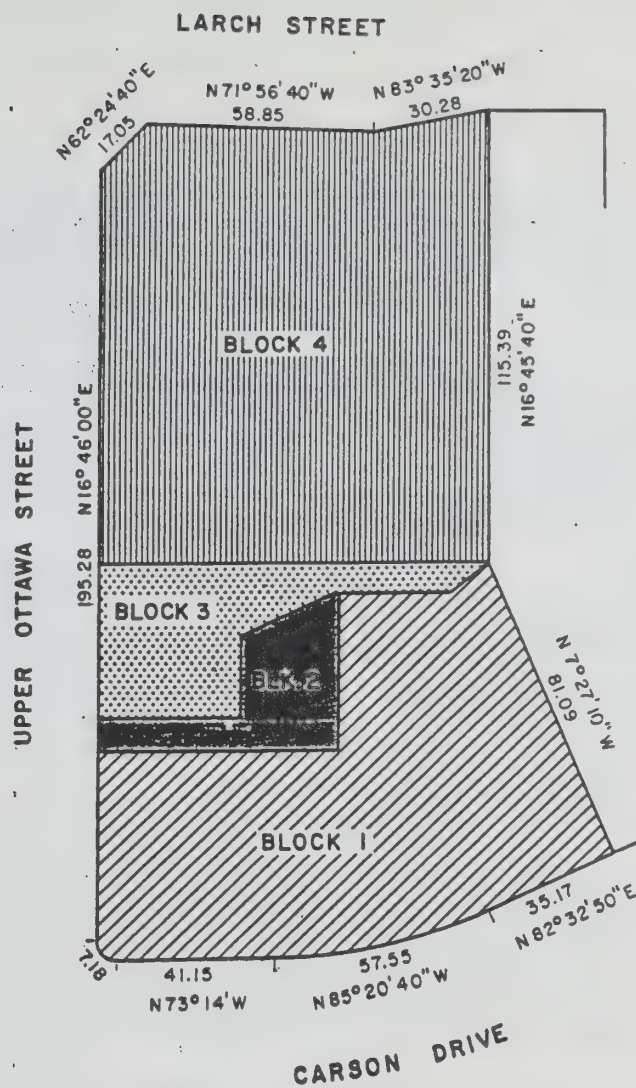
PASSED this

day of

A.D. 1995

CITY CLERK

MAYOR



NOTE: ALL DIMENSIONS
ARE IN METRES

THIS IS SCHEDULE "A" TO BY-LAW NO. 9
PASSED THE _____ DAY OF _____

Clerk

Mayor

<p>North</p>	Scale	Reference File No.	<p>LEGEND</p> <p>Legend</p> <p>CHANGE IN ZONING FROM:</p> <p>BLOCK 1 "DE" (LOW DENSITY MULTIPLE DWELLINGS) DISTRICT TO "G" (NEIGHBOURHOOD SHOPPING CENTRE, ETC.) DISTRICT, MODIFIED.</p> <p>BLOCK 2 "G-3" (PUBLIC PARKING LOTS) DISTRICT TO "G" (NEIGHBOURHOOD SHOPPING CENTRE, ETC.) DISTRICT, MODIFIED.</p> <p>BLOCK 3 LANDS TO BE REGULATED BY BY-LAW NO. 9</p> <p>BLOCK 4 </p>
	NOT TO SCALE	ZA 87-60	
	Date	Drawn By	
	DEC. 15, 1989	Z.K.	

CITY OF HAMILTON

SCHEDULE "A"

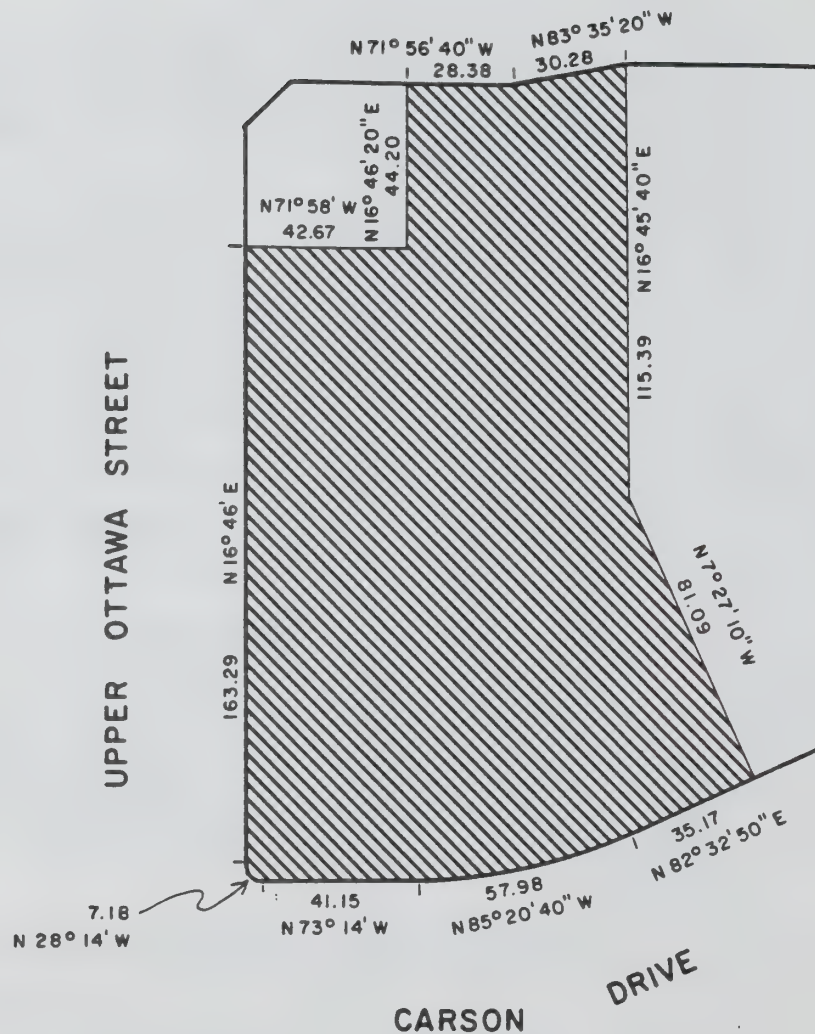
MAP FORMING PART OF

BY-LAW NO. 9

TO AMEND BY-LAW NO. 6593

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

LARCH STREET



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 95-.....
Passed the day of, 1995.

.....
Clerk

.....
Mayor

City of Hamilton

Schedule A

Map Forming Part of
By-Law No. 95-.....
to Amend By-Law No. 6593

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



Lands to be regulated by
By-Law No. 95-.....

No. 11;



Scale
Not to Scale

Date
MARCH 1995

Reference File No.
ZAR-95-03

Drawn By
Z.K.

The Corporation of the City of Hamilton

BY-LAW NO. 95-

To Designate:

**LAND LOCATED AT MUNICIPAL NO. 360 JAMES STREET NORTH
(241 STUART STREET)**

As Property of:

HISTORIC AND ARCHITECTURAL VALUE AND INTEREST

WHEREAS the Council of The Corporation of the City of Hamilton did give notice of its intention to designate the property mentioned in section 1 of this by-law in accordance with subsection 29(3) of the Ontario Heritage Act, R.S.O. 1990, Chapter O.18;

AND WHEREAS no notice of objection was served on the City Clerk as required by subsection 29(5) of the said Act;

AND WHEREAS it is desired to designate the property mentioned in section 1 of this by-law in accordance with clause 29(6)(a) of the said Act.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The property located at Municipal No. 360 James Street North (241 Stuart Street) and more particularly described in Schedule "A" hereto annexed and forming part of this by-law, is hereby designated as property of historic and architectural value and interest.
2. The City Solicitor is hereby authorized and directed to cause a copy of this by-law, together with reasons for the designation set out in Schedule "B" hereto annexed and forming part of this by-law, to be registered against the property affected in the proper registry office.
3. The City Clerk is hereby authorized and directed,
 - (i) to cause a copy of this by-law, together with reasons for the designation, to be served on the owner and The Ontario Heritage Foundation by personal service or by registered mail;
 - (ii) to publish a notice of this by-law in a newspaper having general circulation in the Municipality of the City of Hamilton for three consecutive weeks.

PASSED this

day of

A.D. 1995

CITY CLERK

MAYOR

Schedule "A"

To

By-law No. 95-

Canadian National (CN) Railway Station

360 James Street North (241 Stuart Street), Hamilton, Ontario

ALL of Lots 1, 2, 3, 4 and Part of Lot 5 on the East side of James Street, and all of Lots 10, 11, 12, 13 and Part of Lot 9 on the West side of Hughson Street, all between Stuart and Strachan (formerly Oak) Streets; and Part of Lot 7 on the South side of Strachan Street; and all of Lot 14 on the North side of Stuart Street, and part of the 14 foot lane between James and Hughson Streets northerly of Stuart Street, and as closed by City By-law 3647 and described "Fourthly" in Registered Instrument 308900, all according to John Stinson's Survey and registered as Plan 24;

AND Part of Lot 13 and all of Lots 14, 15, 16, 17, 18, 19 and 20 on the West side of John Street, and Parts of Lots 13 and 19 and all of Lots 14, 15, 16, 17 and 18 on the East side of Hughson Street, all between Murray and Strachan Streets; all of Lots 15 and 16 on the South side and Lots 17 and 18 on the North side of Stuart Street; and Parts of Lots 23 and 24 on the South side of Strachan (formerly Oak) Street; and all of the Lots in the Block bounded by James, Stuart, Hughson and Murray (formerly Stinson) Streets; and that part of Hughson Street and those parts of Stuart Street as closed by City By-law 3647 and described respectively as "Firstly" and "Thirdly" - Parcels "B" and "C" as shown in registered Instrument 308900, all according to an un-registered Plan of Subdivision of Part of Lot 14, Concession 1, Township of Barton, known as Ebenezer Stinson's Survey, all now in the City of Hamilton, Regional Municipality of Hamilton-Wentworth.

The above lands being shown as Part 2 on Reference Plan (62)R-230.

to

By-law No. 95-

Canadian National (CN) Railway Station

360 James Street North (241 Stuart Street), Hamilton

Context

Erected in 1929-31 along Hamilton's oldest rail corridor, the grand CN Station occupies a prominent site at the north-east corner of James and Murray. It effectively anchors the northern edge of the historic James North business district and provides convenient access to the North End residential neighbourhood and west harbourfront via the two contemporary road bridges flanking the station complex. One block to the west on Stuart Street overlooking the CN corridor and waterfront stands another city landmark: the 1850s stone Custom House.

The high visibility of the CN Station stems from the open space surrounding it on all four sides: notably, the original grass-covered plaza in front, which provides an unobstructed view of its impressive Beaux Arts facade. The monumental Doric portico boldly expresses the station's gateway function as a link between cities.

History

The predecessor of the CN Station, built in 1875 for the Great Western Railway and located west of Bay Street, was acquired by the Canadian National Railways in 1923. The construction of the James North station complex and five new bridges over the lowered tracks was initiated to replace the inadequate existing facilities and also to provide a more convenient terminal with improved traffic circulation and freight/ passenger services. Erected during a deep financial depression just as rail freight and passenger traffic was beginning a serious decline, Hamilton's long-awaited new facility rose as a symbol of CNR's early prosperity and optimism. The year of its completion, Canadian National's principal rival, the Toronto, Hamilton and Buffalo Railway, commenced construction of an equally impressive terminal and headquarters building south of the downtown core on Hunter Street East. Increasingly underutilized in recent years, the CN Station continued to serve as a passenger terminal for VIA Rail until 1992 and for GO Transit until 1993, when the building was finally closed. The GO trains, however, continue to use this stop while extensive renovations are in progress to convert the former TH&B Station to the new Hamilton GO Centre, scheduled to open in 1995.

Architecture

The CN complex consists of three main masses: the two-storey station with two lower levels opening onto the south embankment of the rail cut, the concourse extending from the rear of the main floor lobby out over the tracks, and the one-storey express building on the east side at track level. Designed by CNR architect, John Schofield, the Hamilton station represents a relatively late example of Beaux Arts Classicism, distinguished by its restrained elegance. A strong stylistic precedent for the design of major Canadian railway stations in this style was established by Ottawa's Union Station of 1908-10 followed by Toronto's Union Station, designed in 1913-14 and completed in 1920. Characteristic of the best Beaux-Arts stations, the imposing architectural treatment of both the exterior and interior public areas of the

Hamilton terminal is skillfully integrated with a clear axial plan, which accommodates equally well the passenger and operational functions. The main floor was designed for smooth traffic flow from the entrance lobby to the concourse, with services located in the lateral axes. The concourse set at right angles to the main station provided easy access to the trains by means of six stairways (including three ramps on the east side) running parallel to the passenger platforms.

Typical of Beaux-Arts buildings erected in Canada during the early twentieth century, the CN Station displays classically-inspired detailing and rich materials fused with contemporary Canadian motifs. The symmetrical two-storey facade, clad in Queenston limestone, is dominated by a central entrance portico with four massive Doric columns supporting an entablature and pediment. Above the three doorways are ornamental bronze grilles and bas relief stone panels depicting transportation scenes across Canada, carved by Hamilton artist William Oosterhoff. The intermediate wings display incised panels with stylized images of the various modes of transportation while the projecting end pavilions echo the classical treatment of the portico. The two pedimented doorways are flanked by pairs of pilasters supporting an entablature, which encircles the building.

Visitors are drawn by a strong visual axis through the main entrance lobby to the concourse. The stately grandeur of the lobby, featuring a terrazzo floor, marble wainscoting, Ionic half-columns and pilasters, a coffered ceiling, large skylights, bronze grillework and two bronze lanterns, contrasts with the modern simplicity of the concourse: practical glazed brick on the lower walls, exposed steel trusses, unobstructed floor space, and an abundance of direct natural light.

Along with the former Bank of Montreal (1928-9) and the former Hamilton Public Library (1913), the CN Station is one of Hamilton's finest surviving Beaux-Arts Classical buildings. As one of Schofield's most successful station designs, it ranks among Canada's most distinguished early 20th century railway stations of comparable size and has been recognized accordingly through designation under the Federal Heritage Railway Stations Protection Act.

Designated Features

Important to the preservation of the CN Station are:

1. the original features of all four facades of the main building and attached concourse, including the limestone and brick masonry walls; original windows and doors (some of which, including the front entrance doors, have been replaced); the pedimented portico; the ornamental stone and bronze work; and the two remaining ramp and stair wells at the north end of the concourse.
2. the original features of the main floor lobby areas (main, ante and check lobbies) and ramp, including the terrazzo flooring, decorative coffered ceilings, marble wainscoting, classical columns and motifs, ornamental bronzework; and the undivided open space of the concourse, with its glazed brick, large windows and visible roof trusses.

The Corporation of the City of Hamilton

BY-LAW NO. 95-

To Designate:

**LAND LOCATED AT MUNICIPAL NOS. 142, 144, 146, 148, 150, 152, 154, 156
and 160 JAMES STREET SOUTH**

As Property of:

HISTORIC AND ARCHITECTURAL VALUE AND INTEREST

WHEREAS the Council of The Corporation of the City of Hamilton did give notice of its intention to designate the property mentioned in section 1 of this by-law in accordance with subsection 29(3) of the Ontario Heritage Act, R.S.O. 1990, Chapter O.18;

AND WHEREAS no notice of objection was served on the City Clerk as required by subsection 29(5) of the said Act;

AND WHEREAS it is desired to designate the property mentioned in section 1 of this by-law in accordance with clause 29(6)(a) of the said Act.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The property located at Municipal Nos. 142, 144, 146, 148, 150, 152, 154, 156 and 160 James Street South and more particularly described in Schedule "A" hereto annexed and forming part of this by-law, is hereby designated as property of historic and architectural value and interest.
2. The City Solicitor is hereby authorized and directed to cause a copy of this by-law, together with reasons for the designation set out in Schedule "B" hereto annexed and forming part of this by-law, to be registered against the property affected in the proper registry office.
3. The City Clerk is hereby authorized and directed,
 - (i) to cause a copy of this by-law, together with reasons for the designation, to be served on the owner and The Ontario Heritage Foundation by personal service or by registered mail;
 - (ii) to publish a notice of this by-law in a newspaper having general circulation in the Municipality of the City of Hamilton for three consecutive weeks.

PASSED this

day of

A.D. 1995

CITY CLERK

MAYOR

Schedule "A"

To

By-law No. 95-

James South Stone Terrace
142, 144, 146, 148, 150, 152, 154, 156, 160 James Street South, Hamilton

142 JAMES STREET SOUTH, HAMILTON, ONTARIO

All and Singular that certain parcel of land and premises situate, lying and being in the said City of Hamilton, in the Regional Municipality of Hamilton-Wentworth and being composed of the northerly part of Lot Number Thirteen (13) on the corner of James and Bold Streets in the last survey of Lots made by the late Peter Hamilton in said City and which said parcel of land may be better known and described as follows, that is to say:

COMMENCING at the northeast corner of said Lot at the intersection of James and Bold Streets:

THENCE southerly along the westerly side of James Street a distance of twenty-nine feet seven and one-half inches more or less to a post being the point of intersection of the middle of the party wall between the messuage hereby conveyed and the adjoining one produced in a straight line and the westerly side of James Street:

THENCE westerly and passing through the middle of said party wall and parallel with Bold Street a distance of one hundred and eighteen feet six inches more or less to the easterly boundary of the lane immediately in rear of the stone stable belonging to said premises:

THENCE northerly along the easterly boundary of said lane and parallel with James Street to the southerly boundary of Bold Street:

THENCE easterly along the southerly boundary of Bold Street to the place of beginning said premises being known as Number 142 James Street South in said City of Hamilton.

As in Instrument Number 161856 A.B.

144 JAMES STREET SOUTH, HAMILTON, ONTARIO

All and Singular that certain parcel or tract of land and premises, situate, lying and being in the City of Hamilton, in the Regional Municipality of Hamilton-Wentworth and being composed of part of lot number thirteen (13) and part of lot number fourteen (14), in P. H. Hamilton's Survey, being in the block bounded by Duke, Bold, James and MacNab Streets, and which parcel or tract of land may be more particularly described as follows, that is to say:-

COMMENCING at a point in the western limit of James Street, where it is intersected by the production easterly of the centre line of a wall between the stone building erected upon the herein described parcel of land, formerly known as Municipal Number 84 James Street South, now known as Municipal No. 144 James Street South, and the stone building erected upon the lands adjoining the herein described parcel of land on the north, formerly known as Municipal Number 82 James Street South, now known as Municipal Number 142 James Street South, the said point of intersection being distant thirty feet three and one-half inches (30' 3½") measured southerly along the western limit of James Street from the northeastern corner of the said lot number thirteen (13), being the intersection of the western limit of James Street with the southern limit of Bold Street.

THENCE southerly along the western limit of James Street twenty-nine feet and three inches (29' 3") more or less to a point in the production easterly of the centre line of the wall between the said stone building erected upon the herein described parcel of land and the stone building erected upon the lands adjoining the herein described parcel of land on the south and known as Municipal Number 146 James Street South.

THENCE westerly to and along the last mentioned centre line and the production of the line thereof westerly one hundred and eighteen feet, eleven and three-quarter inches (118' 11 3/4") more or less to a point in the western limit of the said lot number 14 being the eastern limit of a ten foot (10') alleyway the said point being distant sixty feet, six inches (60' 6") measured southerly along the eastern limit of the said alleyway from the southern limit of Bold Street.

THENCE northerly along the western limits of the aforesaid lots numbers fourteen and thirteen (14 and 13) and being along the eastern limit of the said ten foot (10') alleyway, twenty-nine feet three and three-quarter inches (29' 3 3/4") more or less to a point in the production westerly of the centre line of the wall between the aforesaid stone buildings, known as Municipal Numbers 142 and 144 James Street South.

THENCE easterly to and along the last mentioned centre line and the production thereof easterly one hundred and eighteen feet eleven and one-quarter inches (118' 11¼) more or less to the point of commencement.

ON THE ABOVE-DESCRIBED parcel of land is erected the semi-detached stone building known as Municipal Number 144 James Street South.

TOGETHER WITH ANY EXISTING RIGHT to pass over, along and upon and use as a right-of-way a ten foot (10') alleyway extending southerly from the southern limit of Bold Street to the northern limit of Duke Street and being composed of the eastern ten feet (10') of lots numbers eighteen (18) and twenty-five (25) according to P. H. Hamilton's survey being in the block bounded by Duke, Bold, James and MacNab Streets.

As in Instrument Number 322118 H.L.

146 JAMES STREET SOUTH, HAMILTON, ONTARIO

In the City of Hamilton, in the Regional Municipality of Hamilton-Wentworth, and Province of Ontario, and being composed of:

FIRSTLY a portion of Lot Number 14 on the west side of James Street in the last survey of lots made by the later Peter Hunter Hamilton in the said City of Hamilton, according to the survey and plan of the same made by Thomas Allen Blythe, P.L.S., Plan No. 1270, on which portion of land hereby conveyed is erected a stone dwelling house, being the most northerly of a row of five stone dwelling houses known as "Murisons Block" and which said dwelling hereby conveyed is better known as City No. 146 James Street South, and may be more particularly described as follows, that is to say:-

COMMENCING at a point on the west side of James Street and opposite the centre of the stone wall separating the house known as City 146 from that immediately to the south of same and at a distance of 84 feet 04 inches more or less from the southwest corner of Bold and James Streets;

THENCE west and following the centre of said stone wall a distance of 120 feet more or less to an alleyway;

THENCE north parallel with James Street, 24 feet 06 inches more or less to a point;

THENCE easterly parallel with Bold Street aforesaid and through the centre of the stone wall separating the house known as City No. 146 aforesaid from that immediately to the north thereof, 120 feet more or less to the westerly margin of James Street aforesaid;

THENCE south along the westerly margin of James Street aforesaid, 24 feet 06 inches more or less to the place of beginning; together with the right to the use of the walls separating the house on the property hereby conveyed from those adjoining the same on the north and south sides, being also Part of Lot 14, as party walls and any and all rights existing in relation thereto and together with the free use and enjoyment at all times of the alleyway in the rear of said lands and premises.

As in Instrument Number 361514 C.D.

148 JAMES STREET SOUTH, HAMILTON, ONTARIO

COMMENCING at a point on the west side of James Street and opposite the centre of the stone wall separating the house known as City Number 148 from that immediately to the south of same and at the distance of 108 feet, 10 inches from the south-west corner of Bold and James Streets;

THENCE west and following the centre of said stone wall a distance of 120 feet more or less to an alleyway;

THENCE north parallel with James Street 24 feet and 6 inches more or less to a point situated at the distance of 84 feet 4 inches more or less from the southerly margin of Bold Street;

THENCE easterly parallel with Bold Street aforesaid and through the centre of the stone wall separating the house known as City Number 148 aforesaid from that immediately to the north thereof 120 feet more or less to the westerly margin of James Street aforesaid;

THENCE south along the westerly margin of James Street aforesaid 24 feet and 6 inches more or less to the place of beginning.

TOGETHER WITH the right to the use of the walls separating the house on the property hereby conveyed from those adjoining the same on the north and south sides thereof as party walls and any and all rights existing in relation thereto and together with the free use and enjoyment at all times of the alleyway in rear of said lands and premises.

As in Instrument Number 464174 C.D.

150 JAMES STREET SOUTH, HAMILTON, ONTARIO

COMMENCING at a point on the West side of James Street opposite the centre of the stone wall separating the house known as City Number 150 James Street South from that immediately to the North of same and at a distance of One Hundred and eight feet ten inches (108' 10") more or less measured Southerly from the Southwesterly angle of Bold and James Streets;

THENCE West and following along the centre of said stone wall a distance of One Hundred and twenty feet (120') more or less to an alleyway;

THENCE South and parallel with James Street Twenty-four feet six inches (24' 6") more or less to a point;

THENCE Easterly parallel with Bold Street aforesaid and through the centre of the stone wall separating the house known as City Number 150 James Street South from that immediately to the South thereof, One Hundred and twenty feet (120') more or less to the Westerly margin of James Street aforesaid;

THENCE North along the Westerly margin of James Street aforesaid, Twenty-four feet and six inches (24' 6") to the place of beginning.

TOGETHER WITH the right to the use of the walls separating the house on the property hereby conveyed from those adjoining the same on the north being Lot 14 and south sides thereof being Lot 15 as party walls and any and all rights existing in relation thereto;

AND TOGETHER WITH the free use and enjoyment at all times of the alleyway in the rear of said lands and premises. And being part of Lot 18 and 25 on said Plan.

As in Instrument Number 389622 C.D.

152 JAMES STREET SOUTH, HAMILTON, ONTARIO

All and Singular that certain parcel or tract of land and premises, situate, lying and being in the City of Hamilton, in the Regional Municipality of Hamilton-Wentworth, being composed of part of Lot Fifteen (15) on the west side of James Street in the last survey of lots made by the late Peter Hunter Hamilton in said City having a frontage of twenty-four feet six inches (24' 6") more or less on James Street, and extending back the same width one hundred and eighteen feet six inches (118' 6") more or less to an alley ten feet (10') in width in rear of the east sides of Lots Eighteen (18) and Twenty-five (25) in the same block.

TOGETHER WITH the right to the use of the walls between the property hereby conveyed and that adjoining same on the north and south sides as party walls which said dwelling hereby conveyed is better known as City Number 152 James Street South being part of Lot Fifteen (15) and more particularly described as follows:

COMMENCING at a point on the west side of James Street opposite the middle of the stone partition wall separating the house known as City Number 150 James Street South from that hereby conveyed and at a distance of one hundred and thirty-three feet and four inches (133' 4") more or less from the south-west angle of Bold and James Streets;

THENCE west parallel with Bold Street and following the middle of said stone party wall and continuing on the same course a distance of one hundred and eighteen feet and six inches (118' 6") more or less to an alleyway ten feet (10') in width running from Bold Street to Duke Street over the east ten feet (10') of Lots Eighteen (18) and Twenty-five (25) aforesaid;

THENCE south parallel with James Street twenty-four feet six inches (24' 6") more or less to a point opposite the centre of the stone party wall between the house on the lands hereby conveyed and that on the lands adjoining on the south;

THENCE easterly parallel with Bold Street aforesaid and through the middle of the said stone partition wall one hundred and eighteen feet and six inches (118' 6") more or less to the westerly margin of James Street aforesaid;

THENCE northerly along the westerly margin of James Street aforesaid twenty-four feet six inches (24' 6") more or less to the place of beginning.

TOGETHER WITH any and all rights existing in relation to the said party walls and also the free use and enjoyment at all times of the alleyway in rear of the said lands being part of Lots 18 and 25, Plan of Peter Hunter Hamilton hereby conveyed as an alleyway forever.

As in Instrument Number 109520 C.D.

154 JAMES STREET SOUTH, HAMILTON, ONTARIO

All and Singular that certain parcel or tract of land and premises, situate, lying and being in the City of Hamilton, in the Regional Municipality of Hamilton-Wentworth and Province of Ontario and being composed of that portion of Lot Number Fifteen on the west side of James Street in the last survey of Lots made by the late Peter Hunter Hamilton in the said City of Hamilton, according to the survey and plan of the same made by Thomas Allan Blythe P.L.S. on which portion of land is erected a stone dwelling house being the most southerly of a block of five stone dwellings erected by the late George Murison on lots numbers fourteen and fifteen which said stone dwelling is better known as City number 154 James Street South and may be more particularly described as follows:

COMMENCING at a point on the west side of James Street and opposite the centre of the stone wall separating the house number 154 James Street South from that immediately to the north of the same and at the distance of one hundred and fifty-seven feet ten inches (157' 10") more or less from the southwest corner of Bold and James Streets;

THENCE west and following the centre of the said stone wall a distance of one hundred and twenty-seven feet more or less to an alleyway;

THENCE south parallel with James Street twenty-four feet six inches (24' 6") more or less to a point;

THENCE easterly parallel with Bold Street aforesaid and through the centre of the stone wall separating the house number 154 James Street South from that immediately to the south thereof one hundred and twenty-seven feet more or less to the westerly margin of James Street aforesaid;

THENCE north along the westerly margin of James Street aforesaid twenty-four feet six inches more or less to the place of beginning.

TOGETHER WITH the right to the use of the walls separating the house on the property hereby conveyed from those adjoining the same on the north and south sides thereof, as party walls, and any and all rights existing in relation thereto.

AND TOGETHER WITH the free use and enjoyment at all times of the alleyway in rear of said lands and premises.

As in Instrument Number 337508 A.B.

156 JAMES STREET SOUTH, HAMILTON, ONTARIO

All and Singular that certain parcel or tract of land and premises, situate, lying and being in the City of Hamilton, in the Regional Municipality of Hamilton-Wentworth, and being composed of the North part of Lot Number Sixteen (16) situate on James Street in the last survey of lots made by the late Peter Hunter Hamilton in the said City of Hamilton, Plan

Number 1270, and which said part of Lot Number Sixteen (16) has a frontage on James Street of Twenty-three Feet (23') more or less and extending same width as the front back from the said street One Hundred and Eighteen Feet, Six Inches (118' 6") more or less.

TOGETHER WITH the right to the walls and the use and support of same which now exist on the North and South side of the building on said premises the said North part of said Lot Number Sixteen (16) may be more particularly known and described as follows, that is, COMMENCING on the West side of James Street at the distance of Ninety-six Feet, Two Inches (96' 2") from Duke Street;

THENCE Westerly One Hundred and Eighteen Feet, Six Inches (118' 6") more or less to the rear of the lot;

THENCE Northerly along the rear of said Lot Twenty-three Feet (23') more or less to the Northerly limit of said Lot;

THENCE Easterly along the Northerly limit of said Lot One Hundred and Eighteen Feet, Six Inches (118' 6") more or less to James Street;

THENCE Southerly along James Street Twenty-three Feet (23') more or less to the place of beginning.

TOGETHER WITH the right-of-way over, along and upon the Easterly Ten Feet (10') from front to rear of Lot Number Eighteen (18) fronting on Duke Street and over the Easterly Ten Feet (10') from front to rear of Lot Number Twenty-five (25) fronting on Bold Street, the intention being to convey the house and lands known as City Street Number 156 James Street South as they are at present enclosed.

As in Instrument Number 397900 A.B.

160 JAMES STREET SOUTH, HAMILTON, ONTARIO

All and Singular that certain parcel or tract of land and premises situate, lying and being in the City of Hamilton, in the Regional Municipality of Hamilton-Wentworth, and being composed of the southerly part of Lot Sixteen (16) on the west side of James Street, between Bold and Duke Streets, in that part of the City of Hamilton laid into lots by the late Peter Hunter Hamilton, and in accordance with the Survey and plan registered as Number 1270 thereof, made by Thomas A. Blyth, P.L.S. which parcel or tract of land may be more fully known and described as follows, that is to say:

COMMENCING at a distance of eighteen feet (18') six inches (6") more or less measured northerly from the south-east angle of said lot sixteen (16) and in and along the west side of the said James Street to a point;

THENCE westerly and parallel to Bold and Duke Streets, one hundred and eighteen feet six inches (118' 6") more or less to a point to a private ten foot (10') alley;

THENCE southerly and parallel to aforesaid James Street eighteen feet, and six inches (18' 6") more or less to a point;

THENCE easterly parallel with the said Bold and Duke Streets, one hundred and eighteen feet six inches (118' 6") more or less to the south-east angle of said Lot sixteen (16);

THENCE northerly and continuing along the westerly side of James Street a distance of eighteen feet six inches (18' 6") more or less to a point being the point of commencement.

UPON the aforesaid lands and premises is erected a two and one-half storey stone house municipally known as 160 James Street South, Hamilton, Ontario.

As in Instrument Number 73367 C.D.

to

By-law No. 95-

James South Stone Terrace

142, 144, 146, 148, 150, 152, 154, 156, 160 James Street South, Hamilton

Context

Built between 1854 and 1860, the ten-unit stepped stone terrace extending along the west side of James Street South between Bold and Duke is a landmark and major anchor block in the James South heritage streetscape. Today, this long stone terrace dominates a row of historic buildings just south of the railway underpass; opposite, on the east side of James, the 19th and early 20th century buildings have been largely displaced by office towers.

Since Hamilton's early development, James Street has been a principal thoroughfare providing a vital transportation link between the waterfront and escarpment to the south. With the southward urban growth beginning in the 1850s, James Street South evolved as part of the city's most desirable residential area, noteworthy for its prestigious stone mansions and terraces, and later large Victorian homes. The first dramatic changes to the streetscape took place in the 1930s with two major construction projects: the TH&B railway underpass, which disrupted the visual continuity of James Street South, and the imposing eight-storey Medical Arts Building, a precursor of the modern high-rise development now scattered along its length. Less intrusive changes have resulted from the progressive conversion of single-family and row houses to commercial use: notably, the introduction of business signage and alterations to lower street facades.

History

Built for three separate owners: merchant John Mackenzie (#142-144), contractor George Murison (#146-154), and manufacturer Alexander Gordon (#156-160), all ten units were originally rented as single-family dwellings to prominent businessmen and professionals. After 1900, an increasing number of doctors and dentists took up residence and opened home practices in the terrace, a reflection of the growing concentration of medical practitioners in the immediate area. Since the 1950s the terrace has served a mixed commercial/residential use accommodating a variety of stores, galleries, restaurants, professional offices, and upper floor apartments.

Of particular interest is George Murison's association with the stone terrace: he was a well-respected contractor appointed in 1858 as builder of the Custom House and also played an active role in local politics, serving as a city councillor from 1856 to 1871, with one year as mayor in 1870. Another prominent Hamiltonian, Samuel Mills, owned the Gordon buildings in the 1860s. A highly successful businessman, who eventually became known as "one of the three wealthiest men in Hamilton", Mills also gained political recognition when appointed a life member of the Legislative Council of the Province of Canada in 1847 and a senator in the year of Confederation.

Architecture

The stone terrace on James Street South is one of few surviving pre-Confederation rowhouses in Hamilton. While the rowhouse was a common building type in the city, relatively few were built of stone; and of these early stone terraces dating from the 1850s and 60s, a number of fine examples have been lost (notably, Palmerston Terrace on Jackson Street West). In the area south of Main Street (known today as the Durand Neighbourhood) where the concentration of stone terraces was greatest, only four are still standing - Sandyford Place on Duke Street, Herkimer Terrace, 122-126 MacNab Street South, and the James South terrace.

The James South Stone Terrace is distinguished by its unrivalled length, the forceful simplicity of its design, and its finely crafted limestone ashlar facade. Erected by skilled immigrant masons using stone quarried locally from the escarpment, this terrace displays the high quality of design and workmanship that characterized Hamilton's early stone architecture. Although built in blocks for three different owners on a sloping site, the overall row possesses a homogeneous character achieved through the consistent use of limestone, uniform set-back and standard rowhouse format. Subtle distinctions were, however, created by varying the proportions and detailing of the three blocks. The two MacKenzie units feature two-storey pilasters and a horizontal string course between the first and second storey; the Murison Block is distinguished by its taller second-storey proportions and bracketed eaves; while the three Gordon units are narrower and, unlike the other ones, their entrances are located in the north bay.

On the whole, the terrace has survived remarkably well: the addition of dormers and one mansard roof (#158) as well as alterations to entrance doorways, stairways, and windows have not seriously undermined its original appearance. The only major change has been the replacement of the first storey stone facade at #156 by a projecting brick addition with a modern glazed storefront.

Designated Features

Important to the preservation of the James South Stone Terrace are the original features of the east (front) facades and north end wall, including: the limestone masonry walls and parapets; the cut stone sills, lintels, string courses, and pilasters; the original doorways and windows; and the bracketed eaves and other original details. Excluded are: the projecting store front added to #156; the various dormer additions; and the modern entrance porches, stairways, windows and doors.

The Corporation of the City of Hamilton

BY-LAW NO. 95-

To Replace Schedule 22 to Licensing By-law No. 79-323

As Consolidated in By-law 93-069

Respecting:

TRANSIENT VENDORS

WHEREAS Council deems it expedient to replace Schedule 22 to Licensing By-law No. 79-323, as consolidated in By-law 93-069:

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. That Schedule 22 of By-law No. 79-323 as consolidated in By-law 93-069, as amended, be repealed, and the following substituted therefor:

S C H E D U L E 22

1. In this schedule,

(a) "trade" means trade, business, calling or occupation;

(b) "transient trader" means a person who offers goods, wares or merchandise for sale by auction, conducted by themselves or by a licensed auctioneer or otherwise, or who offers them for sale in any other manner, and includes,

(i) any person commencing business in the City of Hamilton who has not resided continuously in the City for at least three months next preceding the time of commencing such business there; and

(ii) persons whose names have not been entered on the assessment roll, in respect of business assessment for the then current year; but

(iii) does not include a charitable organization or non-profit group or corporation selling goods, wares or merchandise, the proceeds from which are donated to, or used for charitable objects.

(c) A person who commences business by the display or offering of goods, wares or merchandise for sale at a particular location, may still qualify as a transient trader, whether or not the trade is conducted with the use of a building or fixtures.

2. Every transient trader shall obtain and maintain in good standing a licence authorizing the transient trader to carry on or engage in his trade.

3. No transient trader shall commence the sale of goods, wares or merchandise until a licence has been issued under section 2.

4. Every applicant for a licence or a renewal thereof shall make the application in person and not by an agent or representative.

5. Every transient trader shall pay a licence fee before commencing his trade.

6. No licence shall be issued where the fee has not been paid in full at the time of making the application.

7.(1) Every applicant for a transient trader's licence shall as part of the application for such licence furnish a statement in writing containing a full description of the goods, wares or merchandise that the transient trader proposes to sell or offer for sale under such licence.

(2) A licence issued under subsection (1) is only permission for the particulars supplied by the applicant under this section, and any change in the classes of goods sold will require a new or separate application.

8.(1) The licence fees are provided by section 22 of Schedule 45 of this by-law.

(2) The licenses issued under (1) shall expire three months from the date of issuance.

(3) The sum paid for a licence under this Schedule shall be credited to the person paying it, or to any purchaser of the business who carries on the business, on account of taxes payable in respect of the business, and in respect of real property taxes on the land used for the purposes of or in connection with the business if the land is owned by the person carrying on the business, during the year in which the licence was issued and five years thereafter.

(4) Every transient trader shall cause the licence to be prominently and permanently displayed in the transient trader's place of business during the full term in which the transient trader is carrying on business as a transient trader and in default thereof is guilty of an offence.

9. This by-law does not apply to:

(a) The sale of the stock of a bankrupt or an insolvent, within the meaning of any bankruptcy or insolvency Act in force in Ontario, nor to the sale of any stock damaged by or by reason of fire, which is being sold or disposed of within the municipality in which the business was being carried on at the time of the bankruptcy, insolvency or fire, so long as no goods, wares or merchandise are added to such stock; and

(b) The sale of a business to a purchaser who continues the business.

2. This by-law comes into force and effect on the date of enactment.

PASSED this

day of

A.D. 1995.

City Clerk

Mayor

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO.95-

TO AUTHORIZE AN EXTENSION AGREEMENT

FOR PAYMENT OF REALTY TAX ARREARS

WHEREAS the Municipal Tax Sales Act, R.S.O. 1990, c.M.60, (hereinafter referred to as the "Act"), states that the Council of a municipality may, by by-law, authorize an Extension Agreement with the owner of land in arrears of realty taxes in excess of three (3) years after the registration of a Tax Arrears Certificate and before the expiry of the one year redemption period;

AND WHEREAS the Municipal Tax Sales Act (section 8) states that the said Extension Agreement may extend the period of time, upon the terms specified therein, within which the Cancellation Price is to be paid;

AND WHEREAS, pursuant to the Municipal Tax Sales Act, the Treasurer did register a Tax Arrears Certificate indicating arrears of realty taxes in excess of three (3) years on the lands described in Schedule "A" annexed hereto,

AND WHEREAS, the said land is recorded by The Corporation of the City of Hamilton under the specific Tax Roll Serial Nos. indicated in Schedule "A" annexed hereto.

AND WHEREAS, The Owners of the lands described in Schedule "A" have requested that the City exercise its discretion to pass a bylaw to authorize an Extension Agreement to extend the period of time in which the Cancellation Price may be paid.

AND WHEREAS the one year period within which this by-law may be enacted will therefore expire on the days described as the redemption date of Schedule "A" attached hereto.

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

1. (a) The time open for acceptance and the permitted payments of the Cancellation Price beyond the expiry of the said one year redemption period as set out in Schedule "A" are hereby authorized to be extended pursuant to an Extension Agreement.
- (b) The owner of the land described in Schedule "A" may, on or before the redemption date, enter into the Extension Agreement with The Corporation of the City of Hamilton, and the Mayor and City Clerk are hereby authorized to execute the Extension Agreement on behalf of the City.
2. As provided in the Municipal Tax Sales Act, notwithstanding any other provision of this Extension Agreement, it is understood and agreed that while the Extension Agreement remains a subsisting agreement in good standing:

- (a) that the Extension Agreement does not reduce the amount of the Cancellation Price.
 - (b) that the Extension Agreement does not prohibit any person from paying the Cancellation Price at any time.
 - (c) that any person may pay the Cancellation Price at any time.
 - (d) that the Extension Agreement terminates upon payment of the Cancellation Price by any person.
 - (e) that the Extension Agreement shall cease to be considered a subsisting Extension Agreement for purposes of section 9(2) of the Act, when and under what conditions set out in the Extension Agreement.
3. As also provided in the Municipal Tax Sales Act,
- (a) while such Extension Agreement is in good standing, the period of such time shall not be counted in calculating the time within which the Cancellation Price may be paid.
 - (b) upon default by owner in complying with the Extension Agreement or any term thereof, the Extension Agreement shall cease and, (unless there remains time within which the Cancellation Price may be paid and is paid), the land shall be offered for sale by the Treasurer.

PASSED this

day of 1995,/ A.D.,

CITY CLERK

MAYOR

SCHEDULE 'A'
EXTENSION AGREEMENTS

A)	PROPERTY ADDRESS	69 POULETTE
	SERIAL NUMBER	01 00945 0900
	BRIEF LEGAL DESCRIPTION	Plan 244 Part Lot 101
	DATE OF REGISTRATION	July 5, 1994
	INST # OF TAX ARREARS CERTIFICATE	188124
	REDEMPTION DATE	July 5, 1995
	TOTAL ARREARS	\$10,974.80
B)	PROPERTY ADDRESS	183 MARY
	SERIAL NUMBER	02 01560 5310
	BRIEF LEGAL DESCRIPTION	Survey S Mills Part Lots 7 & 8
	DATE OF REGISTRATION	July 5, 1994
	INST # OF TAX ARREARS CERTIFICATE	188125
	REDEMPTION DATE	July 5, 1995
	TOTAL ARREARS	\$17,364.68
C)	PROPERTY ADDRESS	443 FERGUSON N
	SERIAL NUMBER	02 01660 8830
	BRIEF LEGAL DESCRIPTION	Plan 61 Part Lots 21 & 22
	DATE OF REGISTRATION	August 5, 1994
	INST # OF TAX ARREARS CERTIFICATE	190570
	REDEMPTION DATE	August 5, 1995
	TOTAL ARREARS	\$9,106.84
D)	PROPERTY ADDRESS	10 HARVEY
	SERIAL NUMBER	03 02340 6030
	BRIEF LEGAL DESCRIPTION	Plan 170 Part Lots 3 & 4
	DATE OF REGISTRATION	July 5, 1994
	INST # OF TAX ARREARS CERTIFICATE	188122
	REDEMPTION DATE	July 5, 1995
	TOTAL ARREARS	\$5,368.81
E)	PROPERTY ADDRESS	15 HARVEY
	SERIAL NUMBER	03 02340 7680
	BRIEF LEGAL DESCRIPTION	Plan 170 Lot 7 Part Lots 8,9,10
	DATE OF REGISTRATION	July 5, 1994
	INST # OF TAX ARREARS CERTIFICATE	188126
	REDEMPTION DATE	July 5, 1995
	TOTAL ARREARS	\$11,839.92
F)	PROPERTY ADDRESS	137 EWEN
	SERIAL NUMBER	01 00210 4080
	BRIEF LEGAL DESCRIPTION	Plan 1159 Lot 2
	DATE OF REGISTRATION	July 5, 1994
	INST # OF TAX ARREARS CERTIFICATE	188123
	REDEMPTION DATE	July 5, 1995
	TOTAL ARREARS	\$13,266.64
G)	PROPERTY ADDRESS	192 ROBERT
	SERIAL NUMBER	02 01820 7250
	BRIEF LEGAL DESCRIPTION	Plan 287 Part Lot 195
	DATE OF REGISTRATION	September 16, 1994
	INST # OF TAX ARREARS CERTIFICATE	194087
	REDEMPTION DATE	September 16, 1995
	TOTAL ARREARS	\$14,096.57

SCHEDULE "A"
EXTENSION AGREEMENTS

H)	PROPERTY ADDRESS	115 KING WILLIAM
	SERIAL NUMBER	02 01535 0970
	BRIEF LEGAL DESCRIPTION	N. Hughson Survey Part Lots 3 & 11
	DATE OF REGISTRATION	August 12, 1994
	INST # OF TAX ARREARS CERTIFICATE	191173
	REDEMPTION DATE	August 12, 1995
	TOTAL ARREARS	\$136,903.01

BY-LAW NO. 95 -

TO CONFIRM PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON AT ITS MEETING HELD ON THE 9TH DAY OF MAY A.D., 1995.

WHEREAS by Section 9 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario, 1990, the powers of a municipal corporation are to be exercised by its Council;

AND WHEREAS by Sub-section 1 of Section 101 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario 1990, the powers of every Council are to be exercised by by-law.

AND WHEREAS it is deemed expedient that the proceedings of the Council of The Corporation of the City of Hamilton at this meeting be confirmed and adopted by by-law.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:-

1. The action of The Council of The Corporation of the City of Hamilton in respect to each recommendation contained in the Reports of the Committees and of the local Boards and Commissions and each motion and resolution passed and other action taken by the Council of The Corporation of the City of Hamilton at this meeting is hereby adopted and confirmed as if all such proceedings were expressly in this By-law.
2. The Mayor and the proper officials of The Corporation of the City of Hamilton are hereby authorized and directed to do all things necessary to give effect to the action of the Council of The Corporation of the City of Hamilton referred to in the preceding section hereof.
3. The Mayor, or in the absence of the Mayor, the Acting Mayor, and the City Clerk, or in the absence of the City Clerk, the Acting City Clerk are authorized and directed to execute all documents necessary in that behalf and to affix thereto the seal of The Corporation of the City of Hamilton.

PASSED this 9th day of May A.D. 1995

CITY CLERK

MAYOR

URBAN/MUNICIPAL
CAY ON HBL AOS
A31
1995

URBAN MUNICIPAL

MAY 15 1995

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GOVERNMENT DOCUMENTS

0011

THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

COUNCIL AGENDA

TIME AND DATE:

7:30 p.m, Tuesday,
May 16, 1995

PLACE:

Council Chambers,
City Hall, Hamilton

-
1. LORD'S PRAYER
 2. PRESENTATIONS
 3. DECLARATIONS OF INTEREST
 4. MINUTES OF PREVIOUS MEETING
- May 2, 1995
 5. COMMUNICATIONS
 6. REPORTS
 - a) Environmental Services Committee Report 7-95
 - b) Health and Social Services Committee Report 9-95
 - c) Finance Committee Report 6-95
 7. UNFINISHED BUSINESS
 8. MOTIONS
 9. NOTICE OF MOTIONS
 10. BY-LAWS
 - Bill No. 2409 Being a By-law to establish the procedures to be followed in the sale or disposition of the Region's real property, including the giving of notice.
 - Bill No. 2410 Being a By-law to confirm the proceedings of Council at its meeting held May 16, 1995.
 11. QUESTIONS OF THE DAY
 12. ADJOURNMENT

S	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	S
				1 10:00 Investment Sub-Committee @	2	3
4	5	6	7	8 8:30 Airport Management Board Location: Hamilton Airport	9	10
11	12 9:30 Transportation Services # 1:30 Economic Dev & Planning @	13 9:30 Environmental Services @ 1:30 Health & Social Services @	14 9:30 Administrative Services @ 1:30 Finance @	15 9:30 Transportation Services (special) Location: TBA 5:00 Services for Seniors Location: TBA	16	17
18	19	20	21	22 9:00 Physically Disabled #	23	24
25	26	27	28 5:00 Accessible Transportation Advisory Committee #	29	30	

COUNCIL MINUTES
OF
THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

Council Chambers
Hamilton City Hall
May 2, 1995
7:30 p.m.

The Council of the Regional Municipality of Hamilton-Wentworth met.

Present: Regional Chairman T. Cooke

Councillors W. McCulloch, T. McMeekin, D. Braden,
B. Morelli, D. Drury, G. Copps, D. Wilson, J. Addison,
J. Prentice, R. Morrow, M. Kiss, M. Caplan, R. Wade,
A. Sloat, F. D'Amico, D. Ross, F. MacIntyre,
G. Etherington, T. Anderson, B. Charters, T. Jackson,
G. Shaw, A. Bain, F. Eisenberger, D. Agostino

Absent with Regrets: Councillor V. Agro - vacation
Councillor H. Merling - vacation

Regional Chairman T. Cooke called the meeting to order and led Council in the Lord's Prayer.

The Bach Elgar Choir sang O'Canada.

Regional Chairman T. Cooke called upon Mary Wood, Facilitator of Stuttering Connections and Carla DiDomenicantonio, Speech Language Pathologist at Chedoke Hospital, to accept the "Stuttering Awareness Week" proclamation.

Regional Chairman T. Cooke called upon Marcia Nauta, Public Health Nurse, to accept the "Nurses' Week" proclamation.

Regional Council was treated to a choral selection by Vox Nouveau.

Regional Chairman T. Cooke called upon Wayne Strongman, Bach Elgar Choir, to accept the "Bach Elgar Choir Month" proclamation.

Regional Council was treated to choral selections by the Bach Elgar Choir.

Regional Chairman T. Cooke asked Members of Council to observe a moment of silence for the recent passing of Delores Marks.

Regional Chairman T. Cooke called upon Councillor W. McCulloch to say a few words on the VE Day Celebrations, taking place in the City of Hamilton, May 8, 1995.

Regional Chairman T. Cooke requested declarations of interest by Members of Council, of which there were none.

(Wilson/Morelli) That the Minutes of the meetings held on March 24, 1995 (special), March 31, 1995 (special), April 18, 1995 (special), and April 18, 1995, be received and adopted as presented. **CARRIED.**

The Clerk presented a list of Communications.

(Anderson/Charters) That Communications No. 1 to 14 be received.

(Anderson/Charters)

That the following be added as Communication Item No. 14:

- "14. From Ian McGregor, President, Redland Quarries Inc., concerning "Redland Quarries Inc. (formerly Steetley Quarry Products Inc.), Decision of the Joint Board dated March 17, 1995 (CH-91-08), Application Under Section 13 of the Consolidated Hearings Act". **CARRIED.**

COMMUNICATIONS as amended, put and CARRIED.

(Addison/Prentice) That Council move into Committee of the Whole on reports.

CARRIED.

(Morelli/Drury) CHAIRMAN'S REPORT 8-95 be received.

CHAIRMAN'S REPORT 8-95 put and CARRIED.

(D'Amico/Etherington) ADMINISTRATIVE SERVICES COMMITTEE REPORT 5-95 be adopted and the information section received.

(D'Amico/Etherington)

That the Rules of Order be temporarily suspended in order to allow the introduction of an additional item to Administrative Services Committee Report 5-95 respecting "Appointment of Chief Administrative Officer - Regional Municipality of Hamilton-Wentworth (CHM 95-002)". **CARRIED.**

(D'Amico/Etherington)

That the following be added as Item 1:

"1. **Appointment of Chief Administrative Officer - Regional Municipality of Hamilton-Wentworth (CHM 95-002)**

- a) That Mr. W. Michael Fenn be appointed Chief Administrative Officer within Salary Schedule "A";
- b) That the Commissioner of Legal Services be authorized and directed to prepare the appropriate by-law appointing Mr. W. Michael Fenn to the position of Chief Administrative Officer effective May 29, 1995 to May 28, 1998, inclusive." **CARRIED.**

ADMINISTRATIVE SERVICES COMMITTEE REPORT 5-95 as amended, put and CARRIED.

(Ross/McMeekin) ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE REPORT 6-95 be adopted and the information section received.

ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE REPORT 6-95 put and CARRIED.

(Agostino/Copps) HEALTH AND SOCIAL SERVICES COMMITTEE REPORT 8-95 be adopted and the information section received.

HEALTH AND SOCIAL SERVICES COMMITTEE REPORT 8-95 put and CARRIED.

(Anderson/Wade) TRANSPORTATION SERVICES COMMITTEE REPORT 5-95 be adopted and the information section received.

Item 30 **Adopt-A-Roadway Program (RDS 95-083)**
Councillor D. Wilson indicated that he wished to be recorded as being opposed to this item.

TRANSPORTATION SERVICES COMMITTEE REPORT 5-95 put and CARRIED.

(Addison/Prentice) That the Committee of the Whole Rise and Report.

CARRIED.

The Chairman reported that the various reports of officials and Committees presented in Committee of the Whole were received and adopted as amended.

(Addison/Prentice) That the Report of the Committee of the Whole, be received and adopted as presented.

CARRIED.

MOTION

(Jackson/Charters)

That the Rules of Order be temporarily suspended in order to allow the introduction of a motion respecting funding for VE Day Celebrations.

CARRIED.

(Jackson/Charters)

a) That the allocation of funds for the VE Day Celebrations be increased from \$20,000 to \$30,000;

b) That the Finance Committee recommend a method of financing.

CARRIED.

BY-LAWS

(Addison/Prentice) That Bills No. 2405 to 2408 inclusive, be passed, that the corporate seal be affixed thereto and the by-laws be signed by the Regional Chairman and the Regional Clerk, and numbered as R95-048 to R95-051 inclusive:

- R95-048 Being a By-law to alter Upper Gage Avenue (Regional Road No. 163) between 320 metres south of Limeridge Road and Rymal Road, City of Hamilton. (Bill No. 2405)
- R95-049 Being a By-law to alter Golf Links Road, Town of Ancaster. (Bill No. 2406)
- R95-050 Being a By-law to amend By-law No. R89-038 to regulate traffic. (Schedules 17, 52, and 2) (Bill No. 2407)
- R95-051 Being a By-law to confirm the proceedings of Council at its meeting held May 2, 1995. (Bill No. 2408)

CARRIED.

On motion (Wade/Sloat) Council adjourned at 9:37 p.m.

CARRIED.

Regional Chairman

Clerk

COMMUNICATIONS

COMMUNICATIONS RECEIVED (Forwarded under separate cover)

1. Acknowledgement from John Bryden, MP Hamilton-Wentworth, concerning costs in funding for social assistance recipients. (also referred to the Health and Social Services Committee)
2. From Sarath Liyanage, Head, Program Management, Municipal Roads Office, Ministry of Transportation, respecting advance payments of subsidy for 1995 road improvements. (also referred to the Transportation Services Committee)
3. From Elaine Ziemba, Minister of Citizenship, and Ed Philip, Minister of Municipal Affairs, respecting the Province of Ontario designating June as Seniors' Month. (also referred to the Health and Social Services Committee)
4. From Ruth Grier, Minister of Health, advising that the Ministry of Health will provide a maximum loan of \$8,500,000 towards the renovations at Macassa Lodge. (also referred to the Health and Social Services Committee)
5. From John Harrison, Regional Chair, Regional Municipality of Haldimand-Norfolk, respecting the Association of Ontario Road Superintendents' 1995 International Municipal Trade Show, being held at the Norfolk County Fairgrounds, on June 7-8, 1995. **Deadline: May 15, 1995** (also forwarded to the Transportation/Environmental Services Group)
6. Resolution from Robert Croft, Mayor, Township of Maidstone, respecting the Ontario Government charging a fee for preparation of supplementary assessments.
7. From AMO, respecting:
 - a) "Election Update"
 - b) "Ontario Infrastructure Projects Moving Ahead"
 - c) "Transfer of Provincial Highways" to upper-tier municipalities
8. From F.J. Dickson, Alcan Recycling Canada, concerning the implications of the "Environmental Levy" on aluminum cans.
9. Copy of correspondence from Gail-Ann Folland, Deputy Clerk, Town of Ancaster, advising of the appointment of Mr. John Layfield as Ancaster's representative to the Regional Chairman's Constituent Assembly. (also forwarded to the Chief Administrative Office)
10. From Floyd Laughren, Minister of Finance, enclosing brochures on the 1995 Ontario Budget Plan. (Due to bulk, these publications are available for perusal in the Office of the Clerk)

Council - May 16, 1995

11. Acknowledgement from Ed Philip, Minister of Municipal Affairs, regarding the regulation of tow trucks. (also referred to the Administrative Services Committee)
12. Acknowledgement from Bob Mackenzie, MPP Hamilton East, concerning the application made by Redland Quarries Inc. seeking a reversal of the Joint Board's decision.
13. Acknowledgement respecting federal funding for social assistance recipients, from:
 - a) Ilona Rehberg, Correspondence Co-ordinator, Human Resources Development Canada
 - b) Beth Phinney, MP Hamilton Mountain(also referred to the Health and Social Services Committee)
14. Acknowledgement from Beth Phinney, MP Hamilton Mountain, regarding the closure of the Hamilton Weather Office. (also referred to the Airport Management Board)
15. From C.J. (Bud) Wildman, Minister of Environment and Energy, commending the initiative of Erie County and the Regional Municipality of Hamilton-Wentworth in developing and signing a Bilateral Pollution Prevention Partnership Memorandum of Understanding. (also forwarded to the Transportation/Environmental Services Group)
16. From Basil Gurusinghe, Senior Planner, Plans Administration Branch, Ministry of Municipal Affairs, respecting matters related to the Minister's Delegation of Authority to Municipalities.

REPORT OF THE ENVIRONMENTAL SERVICES COMMITTEE

The Environmental Services Committee met on Tuesday, May 9, 1995, at 9:30 a.m., in the 15th Floor Committee Room, Regional Offices.

Present: Chairman (Councillor) D. Wilson
Councillors J. Addison, D. Braden, G. Copps, D. Drury,
F. Eisenberger, G. Etherington, M. Kiss
Regional Chairman T. Cooke

Absent with Regrets: Councillor J. Prentice - Illness

Also Present: Mayor T. McMeekin

Members of Council:

The Environmental Services Committee presents Report 7-95 and respectfully recommends:

1. 1995 Capital Budget Appropriation Adjustments - Environmental Services Department (ENV 95-059)

That the following appropriation adjustments be approved:

Project Number	Project Description	Gross Increase (Decrease)	Revenue Source	Net Increase (Decrease)
<u>Storm Sewer:</u>				
4071419	Queensdale - Upper Gage to East 36th Street	(\$410,000)	N/A	(\$410,000)
4071431	Munn - East 36th to East 31st Street	\$112,000	N/A	\$ 112,000
4071432	East 36th - Queensdale to 90m N of Crockett	\$ 74,000	N/A	\$ 74,000
4071442	East 35th - Munn to 90m N of Crockett	\$103,000	N/A	\$103,000
4071446	East 15th - Howe Avenue to Fennell Avenue - Storm Outlet	\$106,000	N/A	\$106,000

Item 4.1

2. **Local Improvement Project - Section 11, Storm and Sanitary Sewers on Upper Sherman Avenue and Acadia Drive, Hamilton (ENV 95-063)**
- a) That the construction scheduling of storm and sanitary sewers on Upper Sherman Avenue from approximately 350 metres south of Beaverton Drive to Rymal Road East and on Acadia Drive from approximately 243 metres south of Butler Drive to approximately 46 metres southerly, in the City of Hamilton, as petitioned for under Section 11 of the Local Improvement Act, be considered for 1996, subject to availability of funds and priorities set in the Capital Budget at that time;
 - b) That the petitioners, Ms. Jenny Constantini, 2 Foley Street, Hamilton, Ontario, L8B 2P1 and Ms. Lillian Parry, 3340 Rexway Drive, Burlington, Ontario, L7N 2L1, be so informed. **Item 4.6**
3. **Local Improvement Project - Section 11, Sanitary Sewer on Trillium Avenue and Lewis Road, City of Stoney Creek (ENV 95-061)**
- a) That the installation of sanitary sewers on Trillium Avenue from Lewis Road to the westerly end of the street and on Lewis Road from Trillium Avenue to South Service Road in the City of Stoney Creek, as petitioned for under Section 11 of the Local Improvement Act, be considered for completion in the 1997 construction program, subject to availability of funds and priorities set in the Capital Budget at that time;
 - b) That the petitioner, Ms. Eleanor LeBlanc, 32 Trillium Avenue, Stoney Creek, L8E 5E1, be so informed. **Item 4.7**
4. **Section 12 - Local Improvement Project - Watermain Installation in the Freelon Rural Settlement Area, Town of Flamborough (ENV 95-055)**
- a) That the installation of watermains in the Freelon Rural Settlement area, in the Town of Flamborough, as outlined in Schedules A and B attached to Report ENV 95-055, be proceeded with as local improvements pursuant to Section 12 of the Local Improvement Act, at an estimated cost of \$938,500, subject to funding in the amount of \$1,326,500 under the Municipal Assistance Program (Region's Share \$36,000; Owner's Share - \$902,500);
 - b) That the construction of water service connections in the Freelon Rural Settlement area, in the Town of Flamborough, on the streets outlined in Schedules A and B, attached to Report ENV 95-055, be proceeded with as a local improvement pursuant to Section 3 of the Local Improvement Act, at an estimated gross cost of \$224,280 (Owner's Share - \$224,280);

- c) That the Regional Clerk and Commissioner of Finance be authorized and directed to give the necessary notices prescribed by Sections 12 and 3 of the Local Improvement Act;
- d) That the Commissioner of Finance be authorized and directed to prepare the necessary rating and construction by-laws for this project, in accordance with Section 12 of the Local Improvement Act;
- e) That the cost of the portion of the project outlined in Schedule A be charged to Capital Budget Centre No. 4053523, (Freelton Old Village Area Watermains), and the cost of the portion of the project outlined in Schedule B be charged to Capital Budget Centre No. 4053522, (Freelton Centennial Heights Area Watermains). **Item 4.8**

5. Priority Enhancement Projects - Environmental Services Department 1995-1999 Capital Budget (ENV 95-056)

- a) That construction of the enhanced projects outlined in Schedule "A", attached to Report ENV 95-056, be approved and included in the 1995 capital budget;
- b) That the following allocations be made to allow for emergency repairs to the 54" diameter combined sewer on Burlington Street between Ottawa Street and Depew Street:
 - i) \$250,000 (gross)/\$250,000 (net) - Sanitary Sewer Budget
 - ii) \$250,000 (gross)/\$250,000 (net) - Storm Sewer Budget
- c) That the capital projects outlined in Schedule "B", attached to Report ENV 95-056, not be constructed in 1995 and the funding be utilized for the financing of enhanced projects outlined in recommendations (a) and (b).

Item 4.5

6. Truckload Sale for Supply of up to 10,000 Backyard Composters Tender R16-5-95 (ENV 95-058)

- a) That the contract listed below be awarded on a price basis in accordance with the specifications issued by the Purchasing Department to the recommended bidder for the recommended bid amount, subject to written confirmation from the Ministry of Environment of Energy (MOEE) for funding of 2/3 of the unit cost and 1/2 of the promotional cost:

Tender R16-5-95 Supply and delivery of up to \$10,000 backyard composting units
NORSEMAN PLASTICS LIMITED
\$287,295 (includes \$17,493 for GST and \$22,600 for program promotion)
Lowest of Two (2) bids received.

- b) That a purchase order be issued to Norseman Plastics Limited in the amount of \$287,295 including PST and GST, to be charged to the Waste Management 1995 Backyard Composting Program Capital and Current Account No.'s 1-59006-4031501 (\$247,250) and 1-56319-403702 (Promotion, \$25,900) and 1-56901-403702 (Contractual Services, \$14,145), subject to the award of contract, as outlined in recommendation (a);
- c) That the Region's portion of the cost for the distribution of backyard compost units, after Ministry of the Environment and Energy funding, be recovered in the selling price of \$14 for each backyard compost unit. **Item 4.2**

7. 1995-1999 Capital Budget: Environmental Services Department (ENV 95-019(a))

That the projects identified on Appendix "A", attached to Report ENV 95-019(a), be approved for inclusion in the 1995-1999 Capital Budget, subject to a source of funding being determined by the Finance Committee. **Item 4.10**

Note: This report has been forwarded to the Finance Committee for consideration.

8. Consultant Services - Service Agreement(s) - Solid Waste Management System Analysis and Negotiation Phases (ENV 95-196(c))

- a) That a purchase order be issued to Proctor & Redfern for consulting services regarding the analysis and preferred proponent(s) selection for the Solid Waste Management Systems Service Agreement(s), in the amount of \$81,000 (excluding G.S.T.), to be charged to Waste Management 1995 Operating Budget Account No. 1-56401-403101;
- b) That Proctor & Redfern be retained by the Region to assist in the negotiation phase of the Solid Waste Management System Service Agreement(s) subject to a work plan and fee schedule acceptable to the Commissioner of Transportation/Environmental Services to be charged to Waste Management 1995 Operating Budget Account No. 1-56401-403101.

Item 4.11 (Attachment)

(Councillors G. Copps and M. Kiss indicated that they wished to be recorded as being **OPPOSED** to this item.)

9. Status of Request for Proposals - Solid Waste Management System (ENV 95-053(b))

- a) That staff be authorized and directed to continue with the operation of SWARU as part of the Region's Solid Waste Management System until December 31, 2005;
- b) That the City of Hamilton be notified of the potential savings to be realized by the City, should the City direct the Region to issue a Request for Proposal on garbage and specified materials collection within the City of Hamilton;
- c) That the City of Hamilton be requested to provide direction to the Region respecting recommendation (b).

10. Legal Settlement (LS 95-019)

- a) That settlement of the within matter, outlined in Report LS 95-019, by way of dismissal of the action as against the Region without costs, be approved;
- b) That the Commissioner of Legal Services be authorized and directed to prepare, execute, deliver any documentation necessary to implement the settlement referred to in recommendation (a). **Item 5.2**

Respectfully submitted,

D. Wilson
Chairman

FOR THE INFORMATION OF COUNCIL:

- a) **Minutes** of the April 11, 1995 meeting of the Environmental Services Committee were received and adopted as presented. **Item 1 (b)**
- b) **The following presentations were heard:**
 - i) **Correspondence received from Scepter Manufacturing Company Limited requesting an opportunity to address the Environmental Services Committee respecting Tender R16-5-95 re: Truckload Sale for Supply of up to 10,000 Backyard Composters**

Mr. Philip Monckton, Marketing Manager, Scepter Manufacturing Company Limited, addressed the Committee. **Item 3.2**

- ii) **Correspondence received from Norseman Plastics Limited requesting an opportunity to address the Environmental Services Committee respecting Tender R16-5-95 re: Truckload Sale for Supply of up to 10,000 Backyard Composters**

Messrs. McKenzie and Williams representing Norseman Plastics Limited addressed the Committee. **Item 3.3**

- c) **Update Re: Communal Water and Sewage Systems (ENV 93-034(b)/PLA 93-025(b)/FIN 95-057(a)/HEA 95-016(a))**

This report was received and staff was authorized and directed to report back within six months. **Item 4.3**

- d) **Communal Water and Sewage Systems (ENV 93-034(a)/PLA 93-025(a)/FIN 95-057/HEA 95-016)**

Sub-sections a) and b) were **APPROVED** and will be forwarded to the Economic Development and Planning Committee on May 29, 1995, for its consideration. **Item 4.4**

- e) **Solid Waste Management System Proposals Evaluation Schedule (ENV 95-064)**

This report was received and staff was authorized and directed to hold an evening public meeting on Monday, June 12, 1995, within the vicinity of the SWARU operations, to provide an analysis of five days per week operations versus seven days per week operations. **New Business #2 (Attachment)**

- f) **Correspondence received from John Fisher, General Manager, Taro Aggregates Ltd., requesting an opportunity to address the Environmental Services Committee respecting a number of issues related to the Taro Environmental Assessment**

A special evening meeting of the Environmental Services Committee is to be scheduled to be held at either Hamilton or Stoney Creek Council Chambers, to receive presentations from citizens wishing to comment on the application presented by Taro Aggregates Ltd. to extend its existing landfill operations in Stoney Creek. **Item 3.1**

- g) **Status of Request for Proposals - Solid Waste Management System (ENV 95-053(b))**

Issue #2, as outlined in Confidential Report ENV 95-053(b), was tabled to a special meeting of the Environmental Services Committee prior to the May 16, 1995 Regional Council meeting and staff was authorized and directed to provide additional financial information relating to this issue. **Item 5.1 (No Attachment)**

h) The following items were received:

i) Water Environment Association of Ontario Professional Wastewater Operations Division Operations Challenge (ENV 95-054) **Item 2.1 (a)**

ii) Comprehensive Municipal Pollution Prevention Project - Inventory Phase Summary Report (ENV 95-057) **Item 2.1 (b)**

Note: Due to bulk, additional background information will be distributed under separate cover.

iii) Regional Environmental Office (ENV 95-062) **Item 2.1 (c)**

iv) Region Wins Recycling Council of Ontario Waste Minimization Award (ENV 95-060) **Item 2.1 (d)**

v) **Correspondence** received from the Ministry of Natural Resources respecting Replacement Site Plans for Taro Aggregates Ltd., Part Lots 25,26, Concession 6, City of Stoney Creek, Regional Municipality of Hamilton-Wentworth **Item 2.1 (e)**

Note: Due to bulk, this document is available for perusal in the Office of the Clerk.

vi) **Correspondence** received from Kerzner, Papazian, MacDermid, Barristers and Solicitors respecting OMB File No. R930103 By-Law 3692-92, City of Stoney Creek: Request Victor Veri for Section 43 Review of Ontario Municipal Board Decision **Item 2.1 (f)**

vii) **Correspondence** addressed to Mayor A. Bain, City of Stoney Creek from Eleanor LeBlanc requesting assistance for the installation of sanitary sewers on Trillium Avenue, Stoney Creek **Item 2.1 (g)**

viii) **Publication** entitled Environmental and Energy Monitor "Précis", Volume 2, Number 1, Spring 1995 **Item 2.1 (j)**

ix) **Correspondence** addressed to Ms. Lucy Wolf from Taro Aggregates Ltd. respecting a Commentary to the Taro East Quarry Landfill Community Health Assessment Study, from Dr. Chris Walker, Pathology Professor, McMaster University **Item 2.1 (k)**

- x) **Letters of Support** addressed to the Regional Chairman for the proposal by Taro Aggregates Ltd. to extend its existing landfill operations in Stoney Creek, from the following organizations:
 - i) International Union of Operating Engineers, Local 793
 - ii) W. Terrance Kane **Item 2.1 (l)**
- xi) **Notice** received from Peter Dahl, Re/Max Escarpment Realty Inc. to residents of Upper Stoney Creek respecting the negative impact of the East Quarry Landfill on the value of their homes **Item 2.1 (m)**
- xii) **Letters of Opposition** to the proposal by Taro Aggregates Ltd. to extend its existing landfill operations in Stoney Creek, received from the following:
 - i) Mary Ann Greenwood
 - ii) Gino Sardella
 - iii) John Richard Stribbell
 - iv) Diane & John Parente
 - v) William Southall
 - vi) Andrew & Dawn Vanoist
 - vii) Gaile Southall
 - viii) William & Mary Kelly
 - ix) Yveta Ojero
 - x) M. Reeve-Jewson
 - xi) Susan Dance **Item 2.1 (n)**
- xiii) **Correspondence** received from Mayor Anne Bain, City of Stoney Creek, advising that the Council Chamber at the City of Stoney Creek will be available for a future meeting of the Environmental Services Committee to accommodate the attendance of interested citizens wishing to hear the discussion on the Taro Aggregates issue **Item 4.9**
- xiv) **Steetley Quarry Litigation (LS 95-033) New Business #1 (No Attachment)**

REGION OF HAMILTON-WENTWORTH

- RECOMMENDATION -

DATE: 1995 May 8
P. K. Dunn

REPORT TO: Chairman and Members
Environmental Services Committee

FROM: P. J. Halliday
Senior Director
Environmental Services

SUBJECT: Consultant Services - Service Agreement(s) ENV 93-196(c)
Solid Waste Management System
Analysis and Negotiations Phases

RECOMMENDATION:

- a) That a purchase order be issued to Proctor & Redfern for consulting services regarding the analysis and preferred proponent(s) selection for the Solid Waste Management Systems service agreement(s), in the amount of \$81,000 (excluding G.S.T.), to be charged to Waste Management 1995 Operating Budget Account No. 1-56401-403101;
- b) That Proctor & Redfern be retained by the Region to assist in the negotiation phase of the Solid Waste Management System Service Agreement(s) subject to a work plan and fee schedule acceptable to the Commissioner of Transportation/Environmental Services to be charged to Waste Management 1995 Operating Budget Account No. 1-56401-403101.


P. J. Halliday

Cont'd....

**Consultant Services - Service Agreement(s)
Solid Waste Management System
Analysis and Negotiations Phases**

Cont'd....

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The amount of \$180,000 has been included in the 1995 Waste Management Operating Budget to accommodate fees for consulting services associated with assistance in the Request for Proposals selection of a preferred proponent(s) phase, the negotiation phase and external legal services.

No provision has been made for any additional proposals under the Solid Waste Management System nor for work by a consultant to assist in the preparation of any contracts. An amount of \$20,000 that was previously estimated by Proctor & Redfern to cover anticipated costs concerning any Unique Addenda has now been set at \$25,000. This amount has been arrived at as a result of preliminary examination of all received Unique Addenda.

SUSTAINABLE DEVELOPMENT IMPLICATIONS:

(Vision 2020, adopted by Regional Council as their vision for the future of Hamilton-Wentworth, embodies the concept of a sustainable community which is an equal balance of the economy, the environment, and social/health factors in all regional decision-making).

It is anticipated that the negotiated contract(s) for the Solid Waste Management System will align operations more closely with Vision 2020.

BACKGROUND:

At its meeting of February 21, 1995, Regional Council directed that the assignment for consulting services to assist the Region through the Analysis and Negotiation Phases associated with the Service Agreement(s) for the Solid Waste Management System be awarded to Proctor & Redfern, subject to a work plan and fee schedule acceptable to the Environmental Services Committee.

This is the first opportunity staff have had since the February 24/95 Regional Council Meeting to bring this matter to the Environmental Services Committee. Attached as Appendix 1 is a table of tasks and budget proposal from Proctor & Redfern to cover the analysis and preferred

Cont'd....

**Consultant Services - Service Agreement(s)
Solid Waste Management System
Analysis and Negotiations Phases**

Cont'd....

proponent(s) selection phase. The work plan and fee schedule could not be established with any degree of accuracy until the scope of any Unique Addenda contained in the ten proposals submitted under the Request For Proposals Contract RHW 95-05(RFP) January 4/95 had been determined.

The existing Solid Waste Service Agreement with Laidlaw Energy Technologies Ltd. for the operation of SWARU, Regional Transfer Stations, and the Glanbrook Landfill site expires at the end of 1995. With only seven (7) months to the end of this contract it is imperative that the process to secure an agreement is not subject to delay. Any delay will certainly incur financial penalty and at worst an interruption of service.

To help move the process on in a timely manner, staff recommend to Committee that Proctor & Redfern be retained to provide consulting services to the Region during the negotiation phase (final Phase). Since the scope of the negotiation phase is unknown until a preferred proponent or proponents have been selected, staff recommends that their fee be subject to the approval of the Commissioner of Transportation/Environmental Services.

PKD:eb
Attach.

APPENDIX 1

ANALYSIS AND PREFERRED PROPONENT(S) SELECTION

	<u>Hours</u>	<u>Cost</u>
a) <u>Preparation of Evaluation Method</u>	138.75	\$14,576
- Draft Technical Memorandum		
- Meeting(s) with staff (2)		
- Final Technical Memorandum		
b) <u>Prescreening</u>	97.5	\$10,218
- Draft Technical Memorandum		
- Meeting(s) with staff (2)		
- Final Technical Memorandum		
c) <u>Detailed Analysis</u>	165	\$17,851
- Draft Technical Memorandum		
- Meeting(s) With staff (2)		
- Final Technical Memorandum		
d) <u>Unique Addenda</u>	385	\$23,715
- Review of Unique Addenda		
- Meeting with Proponents		
e) <u>Meeting with WMCC</u>	15	\$1,640
f) <u>Selection Workshop (2)</u>	82.5	\$8,783
- Attend Workshops		
- Presentation on Detailed Analysis		
- Documentation of Workshop Deliberations		
- Report on Process and Selection		
g) <u>Meetings with ESC</u>	11.25	\$1,270
<u>Estimated Expenses</u>		\$2,935
Proctor & Redfern Total Budget (excluding GST) TOTAL	895	\$80,988

REGION OF HAMILTON-WENTWORTH

- INFORMATION -

DATE: 1995 May 8
P. K. Dunn

REPORT TO: Chairman and Members
Environmental Services Committee

FROM: P. J. Halliday
Senior Director
Environmental Services

SUBJECT: Solid Waste Management System Proposals ENV 95-064
Evaluation Schedule



P. J. Halliday

BACKGROUND:

For the information of the Committee and Council the schedule of events for the evaluation and selection of a preferred proponent(s) for the Solid Waste Management System is outlined in Table 1.

Staff were directed by Committee to hold a public meeting on the issue of five/seven day operation of SWARU. In order that the public receives quality information on this matter two more tests on air emissions from SWARU under start-up and shut-down conditions are in progress. These two additional tests are being done in order to negate any criticism as to the sufficiency of data to allow for a comparison between emissions under a five day and seven day operation. The tests will be concluded by May 16/95. A further two weeks are required for the laboratory analysis and another week is needed for Ortech to write and submit its report.

Cont'd....

**Solid Waste Management System Proposal
Evaluation Schedule**

Cont'd.....

The Ortech report will then be subject to a peer review and the laboratory results subject to risk analysis assessment by at least one expert. Staff are accelerating this process to allow for a public meeting on the week beginning Monday June 12.

If the public meeting was held on June 12/95, Committee would be in a position to decide on a five or seven day operation of SWARU at it's meeting on June 13/95. This would enable the Steering Committee to meet on Friday June 16/95 and Monday June 19/95 to select the preferred proponent or proponents. The selection would then be taken to a special Environmental Services Committee before Regional Council on June 20/95. Once Regional Council has approved the preferred proponent or proponents negotiations should commence immediately.

TABLE 1

May 9/95	ESC - Direction re: issues related to proposal evaluation
May 16/95	Council as above
June 12/95	Public meeting re: Operation SWARU 5/7 day
June 13/95	ESC - Committee decision re SWARU operation 5/7 day operation
June 16&19/95	Steering Committee - selection of Preferred Proponent(s)
June 20/95	ESC/Council Approval of Preferred Proponents
July/95	Negotiation with preferred proponent(s)
Dec. 31/95	Last day of current Full Service Agreement Solid Waste Management System

Cont'd.....

- Page 3 -
May 8, 1995

Solid Waste Management System Proposal
Evaluation Schedule

Cont'd.....

This is a very demanding schedule and will require Committee and Council to give priority to these matters to remain on schedule. If, for whatever reasons, this schedule cannot be met Committee and Regional Council should be prepared to meet on this matter at the first opportunity once the data is available.

PKD:eb

REPORT OF THE HEALTH AND SOCIAL SERVICES COMMITTEE

The Health and Social Services Committee met on Tuesday, May 9, 1995 at 1:30 p.m., 15th Floor Committee Room, Regional Offices.

Present: Chairman (Councillor) D. Agostino
Vice-Chairman (Councillor) G. Copps
Councillors M. Caplan, T. Jackson, T. McMeekin,
B. Morelli, G. Shaw
Regional Chairman T. Cooke

Absent with Regrets: Councillor H. Merling - Another Commitment
Mayor R. Morrow - City Business

Members of Council:

The Health and Social Services Committee presents Report 9-95 and respectfully recommends:

1. Admissions - Wentworth Lodge (SOC 95-110)

That pursuant to Regulation 637 under the Homes for the Aged and Rest Homes Act, and in accordance with the Region's policy and procedure for admission, the admission of four applicants to Wentworth Lodge be approved, as of the following dates:

April 5, 1995	(2)
April 21, 1995	(1)
April 25, 1995	(1)

Item 2.1

2. Admissions - Macassa Lodge (SOC 95-115)

That pursuant to Regulation 637 under the Homes for the Aged and Rest Homes Act, and in accordance with the Region's policy and procedure for admission, the admission of nine applicants to Macassa Lodge be approved, as of the following dates:

March 28, 1995	(1)	April 13, 1995	(1)
March 29, 1995	(1)	April 18, 1995	(1)
March 30, 1995	(1)	April 24, 1995	(1)
March 31, 1995	(1)	April 26, 1995	(1)
April 7, 1995	(1)		

Item 2.2

3. Amendment to Purchase of Service Agreement - Seven Towers Children's Centre, Hamilton; Seven Towers Non Profit Family Day Care Inc. (SOC 95-122)

That Item 12 of Health and Social Services Committee Report 21-93 approved by Regional Council on December 21, 1993, requesting that the Region enter into a Purchase of Service Agreement with Seven Towers Children Centre, Hamilton; Seven Towers Non-Profit Family Day Care Inc., be amended by adding infant care with a per diem of \$40.01, effective May 1, 1995. **Item 2.3**

4. Appointments to the Regional Food and Shelter Advisory Committee for the 1994-1997 Term of Regional Council (SOC 95-121)

That the following two citizens be appointed to the Regional Food and Shelter Advisory Committee for the 1994-1997 Term of Regional Council:

- a) Mirella Wise
- b) Anne McKenna

Item 2.4

5. Lodging Homes 1995 Per Diem Rates (SOC 95-113)

- a) That the Second Level Lodging Home services be funded at a per diem rate of \$34.50 subject to Provincial cost sharing, effective January 1, 1995;
- b) That the 1995 complement of (66) Second Level Lodging Homes be approved as per the attached list to Report SOC 95-113. **Item 2.5**

6. 1995 Purchase of Counselling Rates (SOC 95-117)

- a) That the schedule of units and rates for 1995 Purchase of Counselling Contracts (attached as Appendix A) to Report SOC 95-117, be approved effective January 1, 1995, subject to Provincial cost sharing approval;
- b) That agencies offering more than one programme be allowed flexibility in programme allocations, not to exceed total allocation;
- c) That any surplus dollars within the global allocation be paid, at the discretion of the Health and Social Services Committee, to those agencies experiencing deficits during the year, and that such additional payments are not to be considered base adjustments. **Item 2.6**

7. 1995 Homemakers and Nurses Services Rates (SOC 95-116)

- a) That the 1995 Homemakers and Nurses Services Purchase of Service rates (attached as Appendix A) to Report SOC 95-116, be approved;

- b) That these rates be effective January 1, 1995, upon approval by the Ministry of Health of the 1995 Social Service Homemakers and Nurses Services Budget. **Item 2.7**

8. 1995 Hostel Per Diem Rates (SOC 95-118)

- a) That the following Family and Special Services Hostels be funded at a per diem rate of \$33.85 effective January 1, 1995, for transition and specialty beds:
- | | |
|---------------------|---------------------|
| i) Hope Haven Homes | iii) Inasmuch House |
| ii) Interval House | iv) Martha House |
- b) That Mary Ellis House be funded at a per diem of \$34.50 for transition and speciality beds effective January 1, 1995;
- c) That the following contracted Hostels be funded at a per diem of \$33.85 effective January 1, 1995, for emergency beds:
- | | |
|-----------------------|---------------------------|
| i) Bold Park Lodge | v) Martha House |
| ii) Good Shepherd | vi) Native Women's Centre |
| iii) Hope Haven Homes | vii) Salvation Army |
| iv) Inasmuch House | |
- d) That Brennan House be funded at a per diem of \$34.50 effective January 1, 1995;
- e) That Wesley Urban Ministries be funded to a maximum of \$174,500 for the provision of emergency overnight drop-in services during 1995;
- f) That these rates be subject to Provincial cost sharing approvals. **Item 2.8**

9. 1995 Purchase of Service: Day Care Per Diem Rates (SOC 95-119)

- a) That the 1995 Day Care per diem rates (attached as Appendix A) to Report SOC 95-119, be approved;
- b) That these rates be effective January 1, 1995 upon approval by the Ministry of Community and Social Services of the 1995 Social Services Day Care budget, and the approval of the individual Licensed Nurseries, and Private Home Day Care Agency budgets. **Item 2.9**

10. St. Joseph's Immigrant Women's Centre: 1994/1995 Social Service Grant Update (SOC 95-111)

- a) That the grant in the amount of \$7,000 approved to St. Joseph's Immigrant Women's Centre be refunded to the Region;
- b) That the organization be notified that they may continue to apply for future grants. **Item 4.2**

11. Status of Regional Funding for Path and Workable (SOC 95-120)

That the 1995/1996 grant to Work Able in the amount of \$20,000 be released to the organization. **Item 4.3**

12. Communal Water and Sewage Systems (HEA 95-016/ENV 93-034(a)/PLA 93-025(a)/FIN 95-057)

That the Regional Municipality of Hamilton-Wentworth not approve any further planning and/or engineering applications involving communal systems (other than those that are currently Regional systems) until the outstanding issues regarding communal systems identified in Reports ENV 93-034(a), PLA 93-025(a), FIN 95-057, and HEA 95-016 are resolved to the satisfaction of Regional Council. **Item 4.4(b)**

13. Tobacco Control Act

That the Regional Chairman be authorized and directed to forward the following resolution to the Mayors of the Area Municipalities:

"That the six area municipalities be requested to endorse the empowering of Regional Council in the regulating of smoking in public places and workplaces, as specified in the Tobacco Control Act, Section 21, (14)". **Item 3.1**

Respectfully submitted,

D. Agostino
Chairman

FOR THE INFORMATION OF COUNCIL:

a) Declarations of Interest re: Municipal Conflict of Interest Act

i) Item 13 Delegation respecting Local Tobacco Control

Councillor T. Jackson declared an interest in this item as he owns a coffee shop in the Region.

ii) New Business Item - VON Correspondence

Councillor D. Agostino declared an interest in this item as he is a candidate in the upcoming Provincial election. **Item 1(a)**

b) Minutes of the April 25, 1995 meeting of the Health and Social Services Committee were received and adopted as presented. **Item 1(b)**

c) Delegation respecting Tobacco Control

Dr. Barbara Gowitzke, President of the Hamilton-Wentworth Council on Smoking and Health and Dr. Michael Goodyear, Assistant Clinical Professor, Department of Medicine, Regional Cancer Centre addressed the Committee. **Item 3.1**

d) Communal Water and Sewage Systems (HEA 95-016/ENV 93-034(a)/PLA 93-025(a)/FIN 95-057)

Staff was authorized and directed to prepare detailed reviews of the outstanding financial, legal, technical and planning issues regarding communal systems identified in Reports ENV 95-034(a), PLA 93-025(a), FIN 95-057, and HEA 95-016, and report back to their respective committees in six months time. **Item 4.4(b)**

e) Measles in the Region of Hamilton-Wentworth

Dr. M. James, Medical Officer of Health, provided an update on Measles in the Region. **New Business #1
No Attachment**

f) Correspondence received from the Victorian Order of Nurses (VON)

The Health and Social Services Committee granted VON the opportunity to address the Committee and requested that a representative from the District Health Council be invited to attend the meeting as well. **New Business #2
No Attachment**

g) Access Awareness Week

Councillor G. Copps provided an update on the upcoming Hamilton-Wentworth Access Awareness Conference which is being held on May 30-31, 1995 at the Hamilton Convention Centre. A letter of invitation will be forwarded to the Area Councils for their information.

**New Business #3
No Attachment**

h) The following items were received:

- i) News Release from the Ministry of Health, April 7, 1995 "Premier Announces First Multi-Service Agency" (HEA 95-050) **Item 2.10(a)**
- ii) Child Health 2000 Conference, May 30 - June 3, 1995, Vancouver, Canada (HEA 95-051) **Item 2.10(b)**
- iii) News Release from the Ministry of Health, April 4, 1995 "Health Industry Surpasses Government Challenge" (HEA 95-052) **Item 2.10(c)**
- iv) Memorandum to All Medical Officers of Health from C. LeBer, Ministry of Health respecting Rabies Awareness Month, May, 1995 (HEA 95-053) **Item 2.10(d)**
- v) Elizabeth Fry Society Management Review: Status Update (SOC 95-112) **Item 2.10(e)**
- vi) Lodging Home Statistics (SOC 95-108) **Item 2.10(f)**
- vii) Support Services Statistics (SOC 95-124) **Item 2.10(g)**
- viii) GWA Statistics (SOC 95-125) **Item 2.10(h)**
- ix) Update - Communal Water and Sewage Systems (HEA 95-016(a)/ENV 93-034(b)/PLA 93-025(b)/FIN 95-057(a)) **Item 4.4(a)**

REPORT OF THE FINANCE COMMITTEE

The Finance Committee met at 9:30 a.m. on Wednesday, May 10, 1995 in the 15th Floor Committee Room, Regional Offices.

Present: Chairman (Councillor) A. Sloat
Vice Chairman (Councillor) V. Agro
Councillors B. Charters, F. D'Amico, F. MacIntyre,
Wm. McCulloch, D. Wilson
Regional Chairman T. Cooke

Absent with regrets: Councillor M. Kiss - Vacation
Councillor J. Prentice - Illness

Also present: Mayors A. Bain, G. Etherington

Members of Council:

The Finance Committee presents Report 6-95 and respectfully recommends:

1. Lease Agreement - 997484 Ontario Inc. - 32 Hamilton Street North (Village Plaza), Waterdown, Ontario - Hamilton-Wentworth Regional Police (FIN 95-079)

a) That the Regional Chairman and Regional Clerk be authorized and directed to execute a Lease Agreement between 997484 Ontario Inc. and the Regional Municipality of Hamilton-Wentworth, in a form satisfactory to the Commissioner of Legal Services, for Store No. 3B in the Village Plaza, 32 Hamilton Street North, Waterdown, for the Hamilton-Wentworth Regional Police, comprising a total area of 800 square feet;

b) That the lease for Store No. 3B, 32 Hamilton Street North, Waterdown, contain the following terms and conditions:

Area: 800 square feet, Store No. 3B, 32 Hamilton Street North, Waterdown (Village Plaza)

Term: A three (3) year term, commencing May 15, 1995 and terminating May 14, 1998

Renewal: The Tenant shall have the option to renew the Lease for an additional three (3) year term, with the rate and terms to be mutually agreed upon.

Rental Rate: \$12 per square foot (modified net); \$800 per month; \$9,600 per year, plus GST and utility and air conditioning costs

Taxes: The Tenant shall be responsible for business taxes, if applicable, and the Landlord shall be responsible for realty taxes. **Item 2.1**

2. Veterans' Day Celebrations (FIN 95-071)

That additional funding for the VE-Day Celebrations, in an amount not to exceed \$10,000, be approved, and that this amount be funded as follows:

- a) Firstly, from Regional Operating Surpluses;
- b) Secondly, from the Tax Stabilization Reserve (Account No. 081823).

Item 2.2

3. Proposed Applications under the Summer Career Placement Program (formerly S.E.E.D.) (FIN 95-073)

That the Regional Chairman and the Acting Commissioner of Finance make application for the Region to Human Resources Development Canada, under the Summer Career Placement Program, to create employment opportunities for students, as per Schedule "A" attached to Report FIN 95-073. **Item 2.3**

4. Procedural By-law for the Sale of Real Property (LS 95-031)

- a) That the Procedural By-law regulating the sale of the Region's real property, be enacted;
- b) That all of the Region's Industrial lands, as set out in Schedule "A" to this Procedural By-law for the Sale of Real Property, be declared surplus to the Region's needs;
- c) That the Director of Property for the City of Hamilton be authorized and directed to administer the Procedural By-law for the Sale of Real Property on behalf of the Region. **Item 2.4 (Bill No. 2409)**

5. Hamilton Philharmonic Orchestra (FIN 95-077)

- a) That the Region support the fund raising initiative of the Hamilton Philharmonic Orchestra by guaranteeing a line of credit with the Canadian Imperial Bank of Commerce (C.I.B.C.) in an amount not to exceed \$500,000;
- b) That the guarantee by the Region remain in effect until 45 days after the Grand prizes are awarded, at which time the Region will no longer be subject to any potential liability;
- c) That the Region enter into the guarantee, and that the Chairman and the Regional Clerk be authorized and directed to execute the written guarantee in a form satisfactory to the Commissioner of Legal Services and the Acting Commissioner of Finance. **Item 5.1**

6. Non-Residential Development Charges (FIN 95-067)

- a) That in accordance with the Development Charges Act, a public meeting of Regional Council, through the Finance Committee, be held to advise the public of the following proposed recommendation and associated amendment to Development Charges By-law R94-064, and to hear representations from interested parties:

"That non-residential development charges be limited to retail, commercial and industrial development";
- b) That staff be directed to prepare the draft amending by-law referred to in Subsection (a), to be received by Regional Council;
- c) That the costs for the public meeting be met from the Growth Management Non-Residential Development Charge Reserve, Account No. 082887;
- d) That the application of non-residential development charges be revisited as a policy issue prior to the completion of the 1996 budget process. **Item 4.1**

7. Art Gallery of Hamilton - Property Taxes (FIN 95-075)

That the initiative of the Art Gallery of Hamilton to approach the Government of the Province of Ontario for relief from municipal realty taxes, be supported.

Item 4.2

8. Theatre Aquarius - Property Taxes (FIN 95-076)

- a) That the initiative of Theatre Aquarius in approaching the Government of the Province of Ontario for relief from future municipal realty taxes, be supported;
- b) That Theatre Aquarius submit to the Region a repayment plan to resolve the current property tax arrears. **Item 4.3**

9. 1994 Annual Statement of Reserves, Reserve Funds and Liabilities (FIN 95-080)

- a) That the 1994 Annual Statement of Reserves, Reserve Funds and Liabilities, as attached to Report FIN 95-080, be received;
- b) That the Capital Gains Reserve (081898) be closed, and the balance of \$891,364 be transferred to the Working Fund Reserve (081826);
- c) That the Excess Interest - Debt Issue Reserve (081890) be closed, and the balance of \$8,016 be transferred to the Working Fund Reserve (081826);
- d) That the Contingency Reserve (081806) and Working Fund Reserve (081826) be consolidated into one Reserve and named, "Working Fund Reserve" (081826). **Item 4.4**

10. Extension of Banking Service Agreement (FIN 95-072)

That the Acting Commissioner of Finance be authorized and directed to extend the current Banking Agreement with the Bank of Montreal for an additional two (2) years, for the period July 1, 1995 through June 30, 1997, allowing for service volume adjustments, if required, while keeping the current fee structure and implementing a 90-day termination option to maintain tendering flexibility in the event that such a need should arise. **Item 4.5**

11. Communal Water and Sewage Systems (HEA 95-016/ENV 93-034(a)/PLA 93-025(a)/FIN 95-057)

That the Regional Municipality of Hamilton-Wentworth not approve any further planning and/or engineering applications involving communal systems (other than those that are currently Regional systems) until the outstanding issues regarding communal systems identified in Reports ENV 93-034(a), PLA 93-025(a), FIN 95-057, and HEA 95-016 are resolved to the satisfaction of Regional Council. **Item 4.7(b)**

12. 1995 General Grants Budget - Allocation

- a) That no new requests be funded in 1995;
- b) That no capital grant requests be funded in 1995.

New Business #2 (See Info. Item (f)(iii))

Respectfully submitted

A. Sloat
Chairman

FOR THE INFORMATION OF COUNCIL:

- a) **Minutes** of the April 12, 1995 meeting of the Finance Committee received and adopted as presented. **Item 1(b)**

- b) **Amendment to Procedural By-law respecting 1995 Budget (FIN 95-081)**

Report FIN 95-081 respecting an amendment to the Procedural By-law respecting the 1995 Budget, was referred to a sub-committee comprised of the Regional Chairman, the Chairman of the Finance Committee and Councillor B. Charters for further analysis and investigation of alternative options, and a report brought back to the Committee. **Item 4.6**

- c) **Communal Water and Sewage Systems (HEA 95-016/ENV 93-034(a)/PLA 93-025(a)/FIN 95-057)**

Staff were authorized and directed to prepare detailed reviews of the outstanding financial, legal, technical and planning issues regarding communal systems identified in Reports ENV 93-034(a), PLA 93-025(a), FIN 95-057, and HEA 95-016 and report back to their respective Committees within six months. **Item 4.7(b)**

- d) **1995 General Grants Budget - Allocation**

- i) A motion to approve a one-time transfer in the amount of \$43,880 from the Capital Grants Budget (Account No. 59098-1701902) to offset the impact of the 1995 reduction to the General Grants Budget, was defeated.

- ii) The allocation of the 1995 General Grants Budget was referred back to the Grants Sub-Committee.
- iii) The request from Festitalia in the amount of \$50,000, was referred to the Economic Development and Planning Committee for consideration within the Celebrate Program. **New Business #2 (See Info. Item (f)(iii))**
- e) Messrs. S. Wigle, on behalf of the Board of Directors of the Hamilton Philharmonic Orchestra, J. Shaw, Managing Director and S. Spinks, Comptroller, and Ms. C. Doyle, Director of Marketing, appeared before the Committee. **Items 3.1/5.1**
- f) The following items were received:
 - i) 1994 Development Charges Reserve Report (FIN 95-074) **Item 2.5(a)**
 - ii) Hamilton Philharmonic Orchestra - Financial Update (FIN 95-078) **Item 2.5(b)**
 - iii) **Draft Minutes** of the April 12, 1995 meeting of the Grants Sub-Committee **Item 2.5(c) (Attachment)**
 - iv) **Correspondence** from Mr. E. Domenichetti, Chairman, International Science and Engineering Fair (Hamilton) 1995, to Chairman T. Cooke, outlining the financial disposition of the Region's contribution to the ISEF '95 Judges' Reception **Item 2.5(d)**
 - v) **Correspondence** between the Honourable A. Eggleton, Minister Responsible for Infrastructure, and the Honourable E. Philip, Minister of Municipal Affairs, respecting the Federal Budget and the Canada-Ontario Infrastructure Works Program **Item 2.5(e)**
 - vi) **Correspondence** from Mr. G. Verrips, Verrips Greenhouses, respecting the proposed installation of watermains on Highway 53 West, Ancaster and its effect on the tax levy of their property **Item 2.5(f)**
 - vii) **Draft Minutes** of the Investment Sub-Committee **New Business #1 (Attachment)**
 - viii) Update - Communal Water and Sewage Systems (HEA 95-016(a)/ENV 93-034(b)/PLA 93-025(b)/FIN 95-057(a)) **Item 4.7(a)**

MINUTES OF THE GRANTS SUB-COMMITTEE

The Grants Sub-Committee met on Tuesday, May 9, 1995 at 4:00 o'clock p.m. in Room 264, Hamilton City Hall.

Present: Chairman (Councillor) V. Agro
Councillors F. D'Amico, J. Prentice

Also Present: Messrs. J. Bruzzese, K. Blancher; Mme. C. Biggs

1. GENERAL

a) **Declarations of Interest re: Municipal Conflict of Interest Act:** None

b) **Minutes of the April 4, 1995 meeting of the Grants Sub-Committee**

(D'Amico/Prentice)

Be received and adopted as presented.

CARRIED.

c) **Minutes of the April 12, 1995 meeting of the Grants Sub-Committee**

(D'Amico/Prentice)

Be received and adopted as presented.

CARRIED.

2. CONSENT AGENDA

N/A.

NEW BUSINESS #1**Hamilton-Wentworth Federation of Agriculture**

Mayor G. Etherington and Mr. L. Freeman, President of the Hamilton-Wentworth Federation of Agriculture, appeared before the Sub-Committee respecting their 1995 grant request.

(D'Amico/Prentice)

That the 1995 grant request of the Hamilton-Wentworth Federation of Agriculture, in the amount of \$20,130, be approved.

CARRIED.

3. DISCUSSION AGENDA

3.1 Approval of 1995 Budget Allocations

(Prentice/D'Amico)

- a) That the allocation of the 1995 General Grants Budget be approved as per Appendix "A" (attached);
- b) That a 1995 grant for Theatre Aquarius in the amount of \$101,850, be approved, and applied directly to their outstanding property taxes;
- c) That a one-time transfer in the amount of \$43,880, from the Capital Grants Budget (Account No. 59098-1701901), be approved, to offset the impact of the 1995 reduction to the General Grants Budget;
- d) That the request from Festitalia in the amount of \$50,000 be referred to the Economic Development and Planning Committee for consideration within the Celebrate Program;
- e) That no new requests be funded in 1995;
- f) That no capital grant requests be funded in 1995. **CARRIED.**

The Sub-Committee adjourned at 4:45 p.m.

Chairman

Secretary

**1995 GENERAL GRANTS BUDGET
SUMMARY OF REQUESTS**

SCHEDULE A

BUDGET SUMMARY

	<u>1994 APPROVED BUDGET</u>	<u>1995 GRANT REQUEST</u>	<u>1995 EXISTING BUDGET</u>	<u>1995 CHANGE</u>	<u>1995 PROPOSED BUDGET</u>	<u>%</u>
CONTINGENCY PROVISION	\$9,390	\$0	\$9,390	(\$9,390)	\$0	N.A.
GENERAL GRANTS	156,030	509,322	156,030	(16,870)	139,160	-10.8%
ARTS GRANTS	1,526,900	1,984,719	1,526,900	0	1,526,900	0.0%
CAPITAL GRANTS	0	669,615	0	0	0	N.A.
FROM UNCOMMITTED CAPITAL	NA	NA	NA	(43,880)	(43,880)	N.A.
TOTAL	\$1,692,320	\$3,163,656	\$1,692,320	(\$70,140)	\$1,622,180	-4.1%

	1994 APPROVED BUDGET	1995 GRANT REQUEST	1995 EXISTING BUDGET	1995 CHANGE	1995 PROPOSED BUDGET	%
GENERAL - EXISTING						
Ham-Went Regional Block Parents	\$8,020	\$10,000	\$8,020	\$0	\$8,020	0.0%
Prayer Breakfast Committee	200	200	200	0	200	0.0%
Boy Scouts	1,500	1,500	1,500	0	1,500	0.0%
Girl Guides	2,000	2,000	2,000	(500)	1,500	-25.0%
Convention Grants (Admin. Committee)	47,490	47,490	47,490	(9,800)	37,690	-20.6%
Royal Canadian Air Cadets	3,000	3,000	3,000	(1,000)	2,000	-33.3%
Children's International Learning Centre	13,300	16,000	13,300	(400)	12,900	-3.0%
Ham-Went Federation of Agriculture	20,130	20,130	20,130	0	20,130	0.0%
Canadian Warplane Heritage Museum	24,430	35,000	24,430	(2,930)	21,500	-12.0%
Hamilton Beach Rescue Unit	28,000	31,000	28,000	(2,240)	25,760	-8.0%
Hamilton Beach Rescue Unit	6,320	6,320	6,320	NA	6,320	0.0%
Hamilton Assoc. for the Community Living	1,140	1,140	1,140	NA	1,140	0.0%
Ministry of Agriculture and Food	500	500	500	NA	500	0.0%
GENERAL - NEW REQUESTS						
(1) Festitalia Corporation	0	50,000	0	NA	0	NA
Canadian Chamber of Commerce	0	50,000	0	NA	0	NA
Skills Canada Corporation	0	32,842	0	NA	0	NA
McMaster - Engineering & Science Camp	0	NA	0	NA	0	NA
Ontario Emergency Helicopter Committee	0	29,200	0	NA	0	NA
(2) Ham. Conservation Auth. - Watershed Workshop	0	10,000	0	0	0	NA
Hamilton-Wentworth Green Venture	0	160,000	0	NA	0	NA
Trauma Prevention Council	0	3,000	0	NA	0	NA
TOTAL GENERAL REQUESTS:	\$156,030	\$509,322	\$156,030	(\$16,870)	\$139,160	-10.8%

ARTS - EXISTING						
Te Deum Concert Society	\$4,750	\$8,000	\$4,750	\$0	\$4,750	-0.0%
Bach Elgar Choir and Vox Nouveau	37,600	39,600	37,600	0	37,600	0.0%
Opera Hamilton	170,920	255,000	170,920	0	170,920	0.0%
Theatre Aquarius	101,850	175,000	101,850	0	101,850	0.0%
Hamilton & Region Arts Council	28,440	31,000	28,440	0	28,440	0.0%
Dundas Valley School of Art	16,040	33,000	16,040	0	16,040	0.0%
Art Gallery of Hamilton - Operating	543,200	610,700	543,200	0	543,200	0.0%
Art Gallery of Hamilton - Taxes	367,050	367,020	367,050	NA	367,050	0.0%
Hamilton Philharmonic Society	257,050	457,050	257,050	0	257,050	0.0%
ARTS - NEW REQUESTS						
John Laing Singers	0	4,000	0	NA	0	NA
Carnegie Gallery	0	2,849	0	NA	0	NA
Great Big Theatre Company	0	1,500	0	NA	0	NA
TOTAL ARTS REQUESTS:	\$1,526,900	\$1,984,719	\$1,526,900	\$0	\$1,526,900	0.0%

CAPITAL GRANT REQUESTS						
Participation House	\$0	\$250,000	\$0	NA	\$0	NA
Amity Goodwill Industries	0	62,500	0	NA	0	NA
North Went. Assoc. for the Mentally Retarded	0	9,500	0	NA	0	NA
St. Nicholas Ukrainian Catholic Parish	0	28,615	0	NA	0	NA
Heritage Green Nursing Home	0	300,000	0	NA	0	NA
Ham-Went Catholic Child Care Centre	0	19,000	0	NA	0	NA
TOTAL CAPITAL REQUESTS:	\$0	\$669,615	\$0	\$0	\$0	NA

Notes:

- (1) This request was referred to the Economic Development & Planning Committee for consideration within the Celebrate Program.
- (2) The Grant Sub-Committee recommended a one-time grant for this workshop in the amount of \$5,000 to be funded from the Grants Contingency Reserve. Finance staff was informed that this workshop had been cancelled due to funding difficulties by the participating delegates.

MINUTES OF THE INVESTMENT SUB-COMMITTEE

The Investment Sub-Committee met at 12:00 noon on Monday, April 24, 1995 in the Chairman's Board Room, 15th Floor, Regional Offices.

Present: Regional Chairman T. Cooke
Councillors B. Charters, F. MacIntyre, A. Sloat

Absent with regrets: Councillor F. D'Amico - Another Commitment

Also present: Messrs. G. W. Lawson, K. Connor, R. Fotheringham;
Mmes. L. Sohal, C. Biggs

1. GENERAL

a) **Declaration of Interest** re: Municipal Conflict of Interest Act: None

b) **Election of Chairman**

(Charters/MacIntyre)

That Councillor A. Sloat be nominated Chairman of the Investment Management Sub-Committee. **CARRIED.**

As there were no further nominations, Councillor A. Sloat was declared the Chairman.

c) **Election of Vice Chairman**

(MacIntyre/Sloat)

That Councillor B. Charters be nominated Vice Chairman of the Investment Management Sub-Committee. **CARRIED.**

As there were no further nominations, Councillor B. Charters was declared the Vice Chairman.

2. CONSENT AGENDA**2.1 For the Information of the Committee:**

(MacIntyre/Charters)

That the following items be received:

a) 1994 Interim Investment Performance - Third Quarter, 1994 - HWRF and HSR Pension Funds (Fin 95-020)

b) Background Information on Funds Managed (INV 95-001)

- c) Resolution of Barings Group Issue (INV 95-002)
- d) Investment Policy Manual (INV 95-003)

Note: Investment Policy Book distributed under separate cover.

- e) Article entitled, "Moody Downgrades Canadian Government Credit Ratings"
- f) OMERS Newsletter, "Economy Watch - Hot Money: Thumbs Down on Deficits" - March, 1995
- g) DBRS Bond and Preferred Share Ratings **CARRIED.**

3. DISCUSSION AGENDA

NEW BUSINESS #1

Investment Performance Review

The Sub-Committee received a presentation from Mr. Andrew N. Smith of James P. Marshall, Inc., on the contents of the "Investment Performance Review (to December 31, 1994)" which was distributed to the members of the Sub-Committee.

3.1 Monthly Investment Package

(Cooke/MacIntyre)

That the Monthly Investment Package as distributed to the members of the Finance Committee, be received. **CARRIED.**

3.2 Borrowing (INV 95-004)

Report to be brought forward to a future meeting.

NEW BUSINESS #2

Dates of Future Meetings

The Clerk's Department was requested to investigate possible future meeting dates and/or setting the dates to coincide with Finance Committee meetings.

The Sub-Committee also agreed to extend invitations to the Pension Managers to attend future meetings.

The Sub-Committee adjourned at 1:15 p.m.

Chairman

Secretary

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URBAN/MUNICIPAL



The Urban/Municipal Collection
2nd Floor
Hamilton Public Library
+ Bill

**MEETING OF THE COUNCIL
OF THE CORPORATION OF THE CITY OF HAMILTON**

**Tuesday, 1995 May 30
7:30 o'clock p.m.
Council Chambers, City Hall**

URBAN MUNICIPAL

MAY 29 1995

**J. J. Schatz
City Clerk**

A G E N D A

1. **National Anthem.** **GOVERNMENT DOCUMENTS**
2. **Opening Prayer - Reverend David F. Milne, Rector
Our Lady, Queen of Peace Christian Community**
3. **Presentation - Plaque of Appreciation to the City of Hamilton on behalf of
St. Anthony's Feast Committee - 20th Anniversary - Nicolo Visentini,
President, Rosanna Cook, Secretary**
4. **Adoption of the minutes of the meeting held 1995 May 9.**
5. **Correspondence\Petitions**
6. **Reports of the Standing Committees:**
 - (a) **Transport and Environment Committee**
 - (b) **Parks and Recreation Committee**
 - (c) **Planning and Development Committee**
 - (d) **Finance and Administration Committee**
 - (e) **Nominating Committee**
7. **Notices of Motion for next meeting.**
8. **First Reading of the Bills.**
9. **Second Reading of the Bills - Committee of the Whole.**
10. **Third Reading of the Bills.**
11. **Question Period.**
12. **Adjournment.**

MINUTES

Minutes of Hamilton City Council
Tuesday, 1995 May 9
7:30 o'clock p.m.
Council Chamber, City Hall

The Council met:

Present: Mayor R. M. Morrow
Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson,
Agostino, Eisenberger, Charters, Jackson, Merling, Anderson, Ross, D'Amico.

Mayor R. M. Morrow called the meeting to order.

* * * * *

The National Anthem was played.

* * * * *

Major Garnett Cassell, Salvation Army Family Services led Council in prayer.

ADOPTION OF MINUTES

The minutes of the meeting held 1995 April 25 were adopted as circulated.

CORRESPONDENCE

1. Application dated 1995 April 25 from 891157 Ontario Inc., DeFilipps Design, Stoney Creek, Ontario for removal of the "H" - Holding Provision from the "HH" (Restricted Community Shopping and Commercial) District, modified regulations for land located at No. 1024 Upper Wentworth Street, Hamilton, Ontario.

Received.

2. Application dated 1995 May 1 from Madan Godal Sharma, Simcoe, Ontario for a change in zoning from "C" (Urban Protected Residential, etc.) District to "RT-30" (Street Townhouse) District, for lands located at the rear of 914 Upper James Street, Hamilton, Ontario.

Received.

3. Letter dated 1995 May 2 from J. J. Schatz, City Clerk advising of an objection to By-law No. 95-076 respecting the property known as 71 Rymal Road West, Hamilton, Ontario.

Received.

4. Letter dated 1995 May 3 from Mr. Fisher of Fisher's Pier 4 Pub N' Grub respecting an "Outdoor Boulevard Cafe" at the property at 554 James Street North.

Received.

5. Petition containing approximately 300 signatures supporting the application of Fisher's Pier 4 Pub N' Grub for the Outdoor Boulevard Cafe at 554 James Street North.

Received.

* * * * *

It was moved by Alderman Kiss and seconded by Alderman Caplan that the Reports of the Transport and Environment Committee, the Planning and Development Committee, and the Finance and Administration Committee, be considered in Committee of the Whole with Alderman Agostino in the chair.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Agostino, Eisenberger, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -17.

NAYS: -0.

CARRIED.

TRANSPORT AND ENVIRONMENT COMMITTEE - SIXTH REPORT

Re: Fisher's Pier 4 Pub'n Grub - Outdoor Boulevard Cafe

It was moved by Alderman Agro and seconded by Alderman McCulloch that Rule No. 8 of the City's Procedural By-law No. 82-203 be invoked for this meeting of City Council in order to permit consideration of a resolution respecting the establishment of an outdoor boulevard cafe at 554 James Street North for Fisher's Pier 4 Pub 'n Grub. **CARRIED.**

* * * * *

Re: Fisher's Pier 4 Pub'n Grub - Outdoor Boulevard Cafe - Referral Back

It was moved by Alderman Jackson and seconded by Alderman Merling that Section 27 of the Sixth Report of the Transport and Environment Committee be referred back.

Recorded vote.

YEAS: Aldermen Kiss, Morelli, Copps, Wilson, Jackson, Merling, Anderson, D'Amico. - 8.

NAYS: Mayor Morrow, Aldermen Caplan, Agro, McCulloch, Drury, Agostino, Eisenberger, Charters, Ross. -9. **LOST.**

* * * * *

Re: Fisher's Pier 4 Pub'n Grub - Outdoor Boulevard Cafe - Approval

It was moved by Alderman McCulloch and seconded by Alderman Agro that the following be added as Section 27 of the Sixth Report of the Transport and Environment Committee for 1995:

27. (a) That the application of 1033291 Ontario Inc., owner of Fisher's Pier 4 Pub' N Grub, to establish an outdoor boulevard cafe at No. 554 James Street North, measuring a total of 350.46 square feet, onto the Wood Street East road allowance, be approved, on a one year trial basis, subject to the following:
- (i) That the owner enter into a Boulevard Cafe Agreement in a form satisfactory to the Commissioner of Transportation/ Environmental Services and the City Solicitor; and,

- (ii) That owner pay the processing and registration fee of \$958. and first annual encroachment fee of \$320. plus taxes; and,
 - (iii) That the owner provide proof of \$2,000,000. public liability insurance, naming the City of Hamilton and the Region and holding the City and the Region harmless from all actions, causes of action, interest, claims, demands, costs, damages, expenses and loss; and,
 - (iv) That the owner occupy the licensed area of the boulevard only from May 1 to October 31 of each year of the agreement, and that all furniture, equipment, etc. be removed from the road allowance at all other times; and,
- (b) That the Mayor and the City Clerk be authorized and directed to execute the Boulevard Cafe Agreement.
- (c) That the licenced area of the Boulevard be restricted to seating for 34 patrons; be allowed to remain open up until 11:00 o'clock p.m.; and that the approval be for a trial period ending 1995 October 31 at which time the issue will be reviewed.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Caplan, Agro, McCulloch, Drury, Agostino, Eisenberger, Charters, Jackson, Ross. -10.

NAYS: Aldermen Kiss, Morelli, Copps, Wilson, Merling, Anderson, D'Amico. - 7.
CARRIED.

PLANNING AND DEVELOPMENT COMMITTEE - THIRTEENTH REPORT

Section 1 Re: Parking of Large Vehicles

Recorded vote.

YEAS: Aldermen Copps, Wilson, Agostino. -3.

NAYS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Eisenberger, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -14.
LOST.

Section 11 Re: Commercial Loan - 401 Main Street West

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Wilson, Agostino, Eisenberger, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -16.

NAYS: Alderman Copps. -1.

CARRIED.

FINANCE AND ADMINISTRATION COMMITTEE - FOURTEENTH REPORT

Section 10 Re: Transportation - Grey Cup Festival '96

Recorded vote.

YEAS: Mayor Morrow, Aldermen Caplan, McCulloch, Drury, Morelli, Agostino, Eisenberger, Charters, Jackson, Merling, Anderson, D'Amico, Ross. 13.

NAYS: Aldermen Kiss, Copps, Wilson. -3.

CARRIED.

* * * * *

Section 11 Re: R.C.M. Contracting - Purchase Order

It was moved by Alderman McCulloch and seconded by Alderman Morelli that Section 11 of the Fourteenth Report of the Finance and Administration Committee be referred back.

CARRIED.

* * * * *

Section 12 (i) Re: 775 Upper Wentworth Street

It was moved by Alderman Merling and seconded by Alderman Charters

(a) That Sub-section (i) of Section 12 of the Fourteenth Report for 1995 of the Finance and Administration Committee, respecting the possible submission of an unconditional Offer on the property at 775 Upper Wentworth Street, be deleted; and,

(b) That the Offer to Purchase Agreement be amended accordingly.

CARRIED.

Section 15 (d) Re: Bill D-43: A By-law to Authorize the Levy of a Special Charge In Respect of the Barton Street East #1 Business Improvement Area Generally Covering Both Sides of Barton Street from the West Side of Wellington Street to the East Side of Wentworth Street.

It was moved by Alderman Charters and seconded by Alderman Jackson that Rule 8 of the City's Procedural By-law be invoked in order to allow the introduction of a Bill respecting a By-law to Authorize the Levy of a Special Charge In Respect of the Barton Street East #1 Business Improvement Area Generally Covering Both Sides of Barton Street from the West Side of Wellington Street to the East Side of Wentworth Street. **CARRIED.**

* * * * *

Section 15 (d) Re: Bill D-43: A By-law to Authorize the Levy of a Special Charge In Respect of the Barton Street East #1 Business Improvement Area Generally Covering Both Sides of Barton Street from the West Side of Wellington Street to the East Side of Wentworth Street.

It was moved by Alderman Charters and seconded by Alderman Jackson that the following Bill be added as sub-section (d) of Section 15 of the Fourteenth Report for 1995 of the Finance and Administration Committee:

(d) D-43 A By-law to authorize the levy of a special charge in respect of Barton Street East #1 Business Improvement Area, generally covering both sides of Barton Street from the west side of Wellington Street to the east side of Wentworth Street. **CARRIED.**

* * * * *

It was moved by Alderman Kiss and seconded by Alderman Caplan that the Report of the Committee of the Whole on the Reports of the Transport and Environment Committee, the Planning and Development Committee, and the Finance and Administration Committee, be adopted.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Drury, Morelli, Copps, Wilson, Agostino, Eisenberger, Charters, Jackson, Merling, Anderson, D'Amico, Ross.
-15.

NAYS: -0. **CARRIED.**

BILLS

It was moved by Alderman Kiss and seconded by Alderman Caplan that the following Bills be read a first time:

A-33, A-34, A-35, A-36.
C-31, C-32, C-33, C-34, C-35, C-36, C-37.
D-40, D-41, D-42, D-43.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Drury, Morelli, Copps, Wilson, Agostino, Eisenberger, Charters, Jackson, Merling, Anderson, D'Amico, Ross.
-15.

NAYS: -0.

CARRIED.

* * * * *

It was moved by Alderman Kiss and seconded by Alderman Caplan that Council move into Committee of the Whole to consider the following Bills, with Alderman Agostino in the chair. (second reading).

A-33, A-34, A-35, A-36.
C-31, C-32, C-33, C-34, C-35, C-36, C-37.
D-40, D-41, D-42, D-43.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Drury, Morelli, Copps, Wilson, Agostino, Eisenberger, Charters, Jackson, Merling, Anderson, D'Amico, Ross.
-15.

NAYS: -0.

CARRIED.

* * * * *

Consideration of the Bills (second reading).

* * * * *

It was moved by Alderman Kiss and seconded by Alderman Caplan that the Report of the Committee of the Whole on the following Bills, be adopted:

A-33, A-34, A-35, A-36.
C-31, C-32, C-33, C-34, C-35, C-36, C-37.
D-40, D-41, D-42, D-43.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Drury, Morelli, Copps, Wilson, Agostino, Eisenberger, Charters, Jackson, Merling, Anderson, D'Amico, Ross. - 15.

NAYS: -0. **CARRIED.**

* * * * *

It was moved by Alderman Kiss and seconded by Alderman Caplan that the following Bills, be now read a third time, signed, sealed and enrolled as By-laws:

A-33, A-34, A-35, A-36.
C-31, C-32, C-33, C-34, C-35, C-36, C-37.
D-40, D-41, D-42, D-43.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Drury, Morelli, Copps, Wilson, Agostino, Eisenberger, Charters, Jackson, Merling, Anderson, D'Amico, Ross. - 15.

NAYS: -0. **CARRIED.**

* * * * *

City Council then adjourned at 8:45 o'clock p.m.

* * * * *

Taken as read and approved.

MAYOR R. M. MORROW

J. J. Schatz, City Clerk
1995 May 9

CORRESPONDENCE

Correspondence:

1. Application dated 1995 May 17 from Benemar Construction Inc., Hamilton, Ontario for a change in zoning from "RT-20" (Townhouse-Maisonette) District, modified to "R-4" (Small Lot Single-Family Dwellings) District for lands located at the south-east corner of Upper Wentworth Street and Vineberg Drive, Hamilton, Ontario.

Recommendation:

Be Received.

1995 May 30

REPORT OF THE TRANSPORT AND ENVIRONMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Transport and Environment Committee presents its **SEVENTH** Report for 1995 and respectfully recommends:

1. That a "No Parking" regulation be implemented on the east side of Spring Street commencing at a point 124 feet north of Jackson Street East and extending to a point 24 feet northerly therefrom and that the City Traffic By-law No. 89-72 be amended accordingly.
2. (a) That a "Permit Parking" regulation be implemented on the west side of Paling Avenue commencing at a point 117 feet north of Vansitmart Avenue and extending to a point 23 feet northerly therefrom and that the City Traffic By-law No. 89-72 be amended accordingly; and,
(b) That the Director of Traffic Services be authorized to issue one parking permit to Ms. Emily Lampman, No. 407 Paling Avenue.
3. That the Director of Traffic Services be authorized to issue, upon request, one Time Limit Exemption Permit to each of the first ten eligible applicants residing in the apartment complex at Nos. 145 - 149 Hess Street South.
4. (a) That a "Permit Parking" regulation be implemented on the west side of Grosvenor Avenue North commencing at a point 392 feet south of Barton Street East and extending to a point 24 feet southerly therefrom and on the east side commencing at a point 389 feet south of Barton Street East and extending to a point 29 feet southerly therefrom and that the City Traffic By-law No. 89-72 be amended accordingly; and,
(b) That the Director of Traffic Services be authorized to issue one parking permit to Mr. Frank Whitelaw, No. 291 Grosvenor Avenue North.
5. (a) That a "Permit Parking" regulation be implemented on the west side of East Bend Avenue North commencing at a point 44 feet south of Cannon Street East and extending to a point 21 feet southerly therefrom and that the City Traffic By-law No. 89-72 be amended accordingly; and,

- (b) That the Director of Traffic Services be authorized to issue one parking permit to Ms. Mavis Letten, No. 1024 Cannon Street East.
- 6. (a) That the existing "One Hour Parking Time Limit, 8:00 a.m. to 6:00 p.m., Monday to Saturday" regulation on the south side of Colbourne Street which commences at MacNab Street North and extends to a point 94 feet easterly therefrom be replaced with a "Permit Parking" regulation and that the City Traffic By-law No. 89-72 be amended accordingly; and,
 - (b) That the Director of Traffic Services be authorized to issue upon request, one parking permit to the residents of Nos. 17, 19, 21, 22 Colbourne Street and two parking permits to the resident of No. 24 Colbourne Street, to a maximum of six permits on a first come first served basis.
- 7. (a) That an "Alternate Side Parking" regulation be implemented on King's Forest Drive such that parking is prohibited:
 - (i) on the west side of the street commencing at a point 68 feet north of Nova Drive and extending to a point 20 feet northerly therefrom, during the months of December, January, February and March and from the 1st to the 15th of April, May, June, July, August, September, October and November; and,
 - (ii) on the east side of the street between Nova Drive and a point 92 feet northerly therefrom from the 16th to the last day of April, May, June, July, August, September, October and November; and,
- (b) That the City Traffic By-law No. 89-72 be amended accordingly.
- 8. That the application of Sharon Raven, General Manager of the Rosslyn Retirement Home, No. 1322 King Street East to lease a portion of the boulevard of Rosslyn Avenue South adjacent to No. 1322 King Street East be approved, provided that:
 - (a) the application pays the annual fee in accordance with the fee structure approved by the City Council on 1986 March 25 (current rate is \$60.82 per space per year) plus taxes, if any, in addition to the \$10. encroachment insurance charge approved by the City Council on 1984 February 14; and,
 - (b) the owner pays a one time (\$50. registration fee, as approved by the City Council on 1986 January 14; and,
 - (c) the owner pays a one time \$214. processing fee (including G.S.T.), as approved by the City Council on 1988 January 12; and,

- (d) the owner complies with the requirements as set out in the policy approved by the City Council on 1975 June 24, respecting using a portion of road allowance for parking purposes; and,
- (e) the driveway approach, parking area and other structures, as approved by the Director of Traffic Services, be constructed and maintained at the owner's expense; and,
- (f) the owner executes an agreement satisfactory to the City Solicitor, to indemnify and save the City harmless from all actions, causes of action, interest, claims, demands, costs, damages, expenses and loss.

9. That the City Treasurer be directed to close the following two capital project accounts with the excess funding to be transferred to its original source of funding:

Capital Centre Number	Project Description	Authorized Gross Cost	Expended/ Committed To-Date	Balance Available	Source of Funding
759351007	Traffic Signal - Limeridge Mall East Exit	\$65,000.	\$43,206.90	\$21,793.10	Reserve for Capital Projects
759449010	Pedestrian Priority Traffic Signals	\$60,000.	\$38,571.90	\$21,428.10	Reserve for Capital Projects

10. (a) That the following City land be incorporated into various streets:

Bolzano Drive Part 1 Plan 62R-11382

Cellini Avenue Blocks 19 and 20 Plan 62M-643; and,

- (b) That the by-laws to carry out the incorporation of the said land into the foregoing streets be enacted by Council; and,
- (c) That the Commissioner of Transportation/Environmental Services be authorized and directed to register the by-laws.

11. That the applications to retain inadvertent encroachments at the locations outlined in Appendix "A", appended hereto, be approved, provided:
 - (a) That the owners enter into agreements satisfactory to the City Solicitor and Commissioner of Transportation/Environmental Services to indemnify and save the City harmless from all actions, causes of action, interests, claims, demands, costs, damages, expenses and loss; and,
 - (b) That the Mayor and the City Clerk be authorized to execute the City's standard form of agreement; and,
 - (c) That the first year fees and subsequent annual fees outlined in Appendix "A" be set for the encroachments.
12. That the action of the Commissioner of Transportation/Environmental Services be confirmed in authorizing the application of St. Nicholas Serbian Orthodox Church to display a promotional banner across Main Street West, in front of City Hall, advertising the Serbian National Federation Basketball Tournament, from 1995 May 18 to 1995 May 21, with the following message:

"WELCOME DEAR GUESTS"
"DOBRO NAM DOSLI DRAGI GOSTI"

13. That the application of Paroquia de Santa Maria to temporarily close Sheaffe Street from Park Street easterly in order to hold a festival for the Holy Spirit Fraternity on Saturday, 1995 June 3 from 4:00 o'clock p.m. to Sunday, 1995 June 4 at 1:00 o'clock a.m. and a festival for Our Lady of the Angels on Friday, 1995 August 11 at 4:00 o'clock p.m. to Sunday, 1995 August 13 at 1:00 o'clock a.m. be approved, subject to the following conditions:
 - (a) That the prior approval of the Chief of Police or his/her designate be received, and that such permits or authorizations as may be required by the Chief of Police or his/her designate be obtained; and,
 - (b) That the applicant provide proof of \$2,000,000. public liability insurance, naming the City and the Region as an added insured party with a provision for cross liability, and holding the City and the Region harmless from all actions, causes of action, interests, claims, demands, costs, damages, expenses and loss; and,
 - (c) That all barricading, detour signing and traffic control be subject to the direction of the Chief of Police or his/her designate; and,
 - (d) That all barricading be supplied by and at the expense of the applicant; and,

- (e) That "Temporary Road Closure" signs be installed in advance by the City of Hamilton Traffic Department, on the affected roadways, if deemed necessary by the Director of Traffic Services and at the expense of the applicant; and,
 - (f) That the applicant ensure that clean-up operations be carried out immediately before the re-opening of the roads, to the satisfaction of the City and at the expense of the event organizer; and,
 - (g) That no property owner or resident within the barricaded area be denied access to their property upon request; and,
 - (h) That all property owners and tenants along the closed portion of the route be notified of the event by the applicant prior to the event in a form acceptable to the Commissioner of Transportation/Environmental Services; and,
 - (i) That a temporary exemption from Noise Control By-law No. 79-292 be granted to the applicant.
14. (a) That the construction of an independent concrete sidewalk on the south side of Rymal Road from Upper James Street to Springside Drive and on the north side of Rymal Road from Upper James Street to approximately 226 m easterly, proceed as a local improvement pursuant to Section 12 of the Local Improvement Act at an estimated gross cost of \$74,800. and \$27,700. respectively with a City's Share of \$24,133.30 and \$1687.00 respectively and an Owner's Share of \$50,666.70 and \$26,013. respectively, all as provided in the 1995 portion of the 1995 - 2004 Capital Budget; and,
- (b) That the Finance and Administration Committee be requested to recommend a source of funding for this Capital Project; and,
- (c) That the Commissioner of Transportation/Environmental Services be authorized to construct these works on behalf of the City once all the necessary approvals have been received; and,
- (d) That the City Clerk and City Treasurer be directed to give the necessary notice of City Council's intention to undertake these works.
15. That a purchase order be issued to Hard Rock Paving Co. Ltd., Port Colborne, Ontario, not to exceed \$100,000. per year for 1995, 1996, 1997 to provide asphalt surface planing as and when required, in accordance with the specifications issued by the Treasury Department - Purchasing Division and the Public Works Department and that this expenditure be financed through various approved road maintenance accounts.

16. That purchase orders be issued for Hired Equipment Contractors, as listed on Appendix "B" attached hereto, as and when required during 1995, 1996 and 1997 in accordance with the specifications issued by the Treasury Department-Purchasing Division, and the Public Works Department, and that this expenditure be financed through various approved accounts.
17.
 - (a) That an Offer to Purchase (Easement) Agreement, executed by Regional Officials, on 1995 March 1 and scheduled to close on or before 1995 July 18, for the purchase by the Region of part of Lot 24, Concession 2, formerly in the Township of Saltfleet, now in the City of Hamilton, shown as Parts 1, 2, 3, 4 and 5 on Plan 62R-7697, comprising an area of 2,314.93 square metres (24,917.1 square feet), more or less, along the western limit of Bow Valley Drive, Hamilton, be approved and completed as the requirements in the Municipal Act pursuant to the City's Real Estate Procedural By-law No. 95-049 enacted on 1995 February 14 have been fulfilled by the City, and the funds derived from this sale of \$856. be credited to Account No. CH4X501 00102 (Reserve for Property Purchase); and,
 - (b) That the required deposit in the amount of \$2. be held by the City Treasurer pending Council approval; and,
 - (c) That the Mayor and City Clerk be authorized and directed to execute the necessary documents; and,
 - (d) That in accordance with Real Property Sales Procedural By-law No. 95-049:
 - (i) satisfactory notice has been given to the public of the intended sale; and,
 - (ii) an appraisal of the fair market value of the real property is not required; and,
 - (iii) the City Clerk be authorized and directed to execute (and issue) a Certificate of Compliance in the form prescribed pursuant to Section 193 of the Municipal Act.
18.
 - (a) That an Offer to Purchase (Easement) Agreement, executed by Regional Officials, on 1995 March 1 and scheduled to close on or before 1995 July 18, for the purchase by the Region of part of Lot 25, Concession 2, formerly in the Township of Saltfleet, now in the City of Hamilton, shown as Parts 1, 3, 4 and 5 on Plan 62R-12941, comprising an area of 428.0 square metres (4,606.0 square feet), more or less, along the eastern limit of Lake Avenue, Hamilton, at Huckleberry Drive, be approved and completed as the requirements in the Municipal Act pursuant to the City's Real Estate Procedural By-law No. 95-049 enacted on 1995 February 14 have been fulfilled by the City, and the funds derived from this sale of \$157.50 be credited to Account No. CH4X501 00102 (Reserve for Property Purchase); and,

- (b) That the required deposit in the amount of \$2. be held by the City Treasurer pending Council approval; and,
 - (c) That the Mayor and City Clerk be authorized and directed to execute the necessary documents; and,
 - (d) That in accordance with Real Property Sales Procedural By-law No. 95-049:
 - (i) satisfactory notice has been given to the public of the intended sale; and,
 - (ii) an appraisal of the fair market value of the real property is not required; and,
 - (iii) the City Clerk be authorized and directed to execute (and issue) a Certificate of Compliance in the form prescribed pursuant to Section 193 of the Municipal Act.
19. (a) That the position of Director of Traffic Services be eliminated and that the Departments of Public Works and Traffic be merged with the management structure as shown in Appendix "C"; and,
- (b) That the combined department be renamed the Department of Public Works and Traffic; and,
- (c) That the Director of Public Works be retitled Commissioner of Public Works and Traffic; and,
- (d) That staff report back in one year with the results of a review of additional restructuring and the potential savings and efficiencies to the Corporation which may result.
20. That traffic signal control equipment be modernized at the intersections of King and Longwood, King and Marion, King and Sterling and King and Dalewood at a cost not to exceed \$70,000. with funds to be provided from Account No. CF5000 759549021.
21. That a "No Parking" regulation be implemented on the east side of Rutledge Court commencing at a point 195 feet north of Independence Drive and extending to a point 106 feet northerly therefrom and that the City Traffic By-law No. 89-72 be amended accordingly.

22. That Section 1 of the Transport and Environment Committee's Fourth Report for 1995 respecting the removal and relocation of the four-way stop control at the intersection of Beach Road and Rowanwood Avenue, adopted by City Council at its meeting held 1995 March 14, be rescinded.
23.
 - (a) That a "No U Turn" regulation be implemented at the intersection of Acadia Drive and Cartier Crescent; and,
 - (b) That a "No Stopping 7:00 a.m. to 6:00 p.m. Monday to Friday" regulation be implemented on the east side of Acadia Drive, opposite of the school between Cartier Crescent and the south property line of No. 141 Acadia Drive; and,
 - (c) That the City Traffic By-law No. 89-72 be amended accordingly.
24. That the request of C. DelSordo, owner of No. 1205 Rymal Road East, to maintain the encroachment of a free standing sign on the Nebo Road road allowance, be approved subject to an encroachment agreement being entered into by the applicant.
25. That leave be granted to introduce the following Bills:
 - (a) A-37 A By-law to Incorporate City Land Designated as Part 1, Plan 62R-11382 into Bolzano Drive
 - (b) A-38 A By-law to Incorporate City Land Designated as Blocks 19 and 20, Plan 62M-643 into Cellini Avenue
 - (c) A-39 A By-law to Amend By-law No. 89-72 to Regulate Traffic
 - (d) A-40 A By-law to Amend By-law No. 89-72 to Regulate Traffic

Respectfully Submitted,

**ALDERMAN H. MERLING, CHAIRMAN
TRANSPORT AND ENVIRONMENT COMMITTEE**

**Kevin C. Christenson
Secretary**

1995 May 15

Appendix "A" as referred to in
Section 11 of the SEVENTH
Report of the Transport and
Environment Committee for 1995

<u>Location</u>	<u>Owner</u>	<u>Type of Encroachment</u>	<u>First Year /Annual</u>	<u>File Number</u>
114 Burton Street	Amorim	Steps 0.09m x 0.94m	138/20	T103 50 (1164)
255 Hess Street South	C. Levasseur L. Rollo	Steps 1.82m x 0.3m	138/20	T103 50 (1166)
236 Brucedale Avenue East	Ford	Verandah and Steps 1.4m x 4.37m	138/20	T103 50 (1168)
208 Ray Street North	Gusenbauer	Front porch 2.26m x 0.55m and Steps 0.84m x 0.99m	138/20	T103 50 (1169)

Appendix "B" as referred to in
Section 16 of the SEVENTH
Report of the Transport and
Environment Committee for 1995

Suppliers of Rental Equipment Must be Called in Order
From Lowest Bidder to Highest Bidder

	<u>1995</u>	<u>1996</u>	<u>1997</u>
<u>Bulldozers</u> - Caterpillar D-6 or equivalent			
1. D.V.C. Enterprises - Cat D6C	\$73.00	\$75.00	\$77.00
2. G.F. Mason Excavating - Cat D6	75.00	78.00	80.00
3. Carson Equipment - Cat D6	76.00	78.00	80.00
4. JDR Tools - w/winch JD 750	76.00	78.00	80.00
5. Quigley Contracting	76.00	76.00	80.00
<u>Bulldozers</u> - Caterpillar D-7 or equivalent			
1. D.V.C. Enterprises - Cat D7	75.00	77.00	79.00
2. G.F. Mason Excavating - Terex 82-20B (2)	78.00	80.00	82.00
3. Battaglia Contracting - Cat D7	83.00	86.00	89.00
<u>Bulldozers</u> - Caterpillar D-8 or equivalent			
1. Dig-it Contractors - Terex 82-30	90.00	95.00	100.00
2. D.V.C. Enterprises - Cat D8H	94.00	96.00	98.00
3. Adair Heavy Equipment Rentals - Cat D8H (2)	95.00	100.00	105.00
4. Quigley Contracting - with rippers	98.00	98.00	100.00
<u>Bulldozers</u> - John Deere 550 or equivalent			
1. L.M. Enterprises - 550 Case	55.00	56.00	57.00
2. Cardi Construction - Cat D4 (3)	55.00	56.00	58.00
3. D.V.C. Enterprises - JD 5506	55.00	57.00	59.00
4. Aldershot Rentals - JD 550	57.00	60.00	62.00
5. JDR Tools - JD 550 B	58.00	60.00	62.00

Note: () indicates number of pieces of equipment available if more than one

Suppliers of Rental Equipment Must be Called in Order
From Lowest Bidder to Highest Bidder.

	<u>1995</u>	<u>1996</u>	<u>1997</u>
<u>Bulldozers - John Deere 450 or equivalent</u>			
1. Frem Excavating - Dresser TD7E	48.00	50.00	52.00
2. F & S Excavating - JD 450G	48.00	51.00	52.00
3. E. Woytkiw Haulage - JD 450 (3)	49.95	51.95	53.95
4. G. Mason Construction - JD 450	50.00	51.00	52.00
<u>Rubber Tire Front End Loaders - 5 Cu.Yd. Capacity</u>			
1. G.F. Mason Excavating - Terex 72-51B	80.00	83.00	85.00
<u>Rubber Tire Front End Loaders - 4 Cu.Yd. Capacity</u>			
1. J.B.R. Rentals - Komatsu WA320	72.00	74.00	76.00
2. G.F. Mason Excavating - Terex 72-31B (2)	75.00	78.00	80.00
<u>Rubber Tire Front End Loaders - 3 Cu.Yd. Capacity</u>			
1. E. Woytkiw Haulage - JD 544 (2)	64.95	67.95	70.95
2. Rioux Excavating - 1872 Case w14	66.00	68.00	70.00
<u>Rubber Tire Front End Loaders - 2 Cu.Yd. Capacity</u>			
1. C.L.M. Heavy Equipment - Ford 755	50.00	50.00	50.00
2. Battaglia Contracting - 1550B JCB 4X4	55.00	57.00	57.00
3. Cardi Construction - Cat 416 XL V.C. Loader (2)	55.00	55.00	58.00
<u>Track Front End Loaders - 4 Cu.Yd. Capacity</u>			
1. Cardi Construction - Cat 963 Loader	80.00	80.00	85.00

Note: () indicates number of pieces of equipment available if more than one

Suppliers of Rental Equipment Must be Called in Order
From Lowest Bidder to Highest Bidder

	<u>1995</u>	<u>1996</u>	<u>1997</u>
<u>Track Front End Loaders - 3 Cu.Yd. Capacity</u>			
1. Spar-Con Construction - Cat 963	78.00	82.00	85.00
<u>Track Front End Loaders - 2 Cu.Yd. Capacity</u>			
1. JDR Tools - JD 455-E	63.00	65.00	67.00
<u>Track Front End Loaders - others</u>			
1. Aldershot Rentals - JD 455 w/ backhoe	59.00	61.00	64.00
<u>Trucks - 8 Cu.Yd. Capacity</u>			
1. Battlefield Bobcat (2)	35.00	37.00	39.00
2. L.M. Enterprises (2)	35.00	37.00	39.00
3. Acme Excavating	37.00	37.00	37.00
<u>Trucks - 16 Cu.Yd. Capacity</u>			
1. All Around Contracting	39.00	43.00	45.00
2. O. Ciccarelli & Son	41.00	43.00	45.00
3. F & S Excavating (4)	41.95	43.50	44.95
4. Greco Bobcat (3)	42.00	43.00	44.00
5. Digmor Excavating	42.00	44.00	46.00
6. Ray's Construction	42.00	44.00	45.00
7. J.B.R. Rentals	42.00	44.00	46.00
8. G.F. Mason Excavating (2)	43.00	45.00	47.00
<u>Trucks - 18 Cu.Yd. Capacity</u>			
1. Roma Concrete (3)	42.00	43.00	44.00

Note: () indicates number of pieces of equipment available if more than one

Suppliers of Rental Equipment Must be Called in Order
From Lowest Bidder to Highest Bidder

	<u>1995</u>	<u>1996</u>	<u>1997</u>
<u>Trucks - 20 Cu.Yd. Capacity</u>			
1. E. Woytkiw Haulage (10)	54.95	56.95	58.95
<u>Trucks - Stone Slinger</u>			
1. F & S Excavating	80.00	85.00	90.00
<u>Trucks - Boom Truck</u>			
1. JDR Tools	68.00	70.00	72.00
<u>Trucks - with trailer dump</u>			
1. G.F. Mason Excavating - 50 Cu.Yd. trailor (2)	70.00	72.00	74.00
<u>Floats</u>			
1. Roma - 12 ton 3 axle	43.00	45.00	47.00
2. Aldershot Rentals - 35 ton	60.00	62.00	65.00
3. E. Woytkiw - 45 ton	62.95	64.95	66.95
4. L.M. Enterprises - 50 ton	65.00	70.00	75.00
<u>Scrapers - 14 Cu.Yd. Capacity</u>			
1. Quigley Contracting - Terex TS 14	100.00	100.00	105.00
2. Danbill Equipment - Terex TS 14B	100.00	105.00	110.00
<u>Scrapers - 24 Cu.Yd. Capacity</u>			
1. Quigley Contracting - Terex TS 24	120.00	120.00	125.00

Note: () indicates number of pieces of equipment available if more than one

Suppliers of Rental Equipment Must be Called in Order
From Lowest Bidder to Highest Bidder

	<u>1995</u>	<u>1996</u>	<u>1997</u>
<u>Graders - Model 14 Caterpillar</u>			
1. Adair Heavy Equipment Rentals	65.00	68.00	72.00
2. Bill Price Graders	89.00	91.50	93.50
<u>Graders - Model 120 Caterpillar</u>			
1. Adair Heavy Equipment Rentals	65.00	68.00	72.00
2. Tim Lipsitt Excavating	75.00	75.00	80.00
<u>Graders - Model 562 Champion</u>			
1. Danbill Equipment	58.95	59.95	60.95
2. Dig-it Contractors (2)	72.00	77.00	82.00
3. G. Mason Construction	74.00	75.00	76.00
<u>Graders - Model 600D Champion</u>			
1. Danbill Equipment	58.95	59.95	60.95
2. Rioux Excavating	64.00	66.00	68.00
<u>Graders - Model 600 Gallon Grader</u>			
1. G.F. Mason Excavating	65.00	68.00	71.00
<u>Graders - Model Allatt SG100</u>			
1. G.F. Mason Excavating	60.00	62.00	64.00
2. Bill Price Graders	74.00	76.50	79.00

Note: () indicates number of pieces of equipment available if more than one

Suppliers of Rental Equipment Must be Called in Order
From Lowest Bidder to Highest Bidder

	<u>1995</u>	<u>1996</u>	<u>1997</u>
<u>Graders - other</u>			
1. G. Mason Construction - Huber Grader	64.00	66.00	68.00
<u>Rubber Tire Backhoe - John Deere 310 or equivalent</u>			
1. L.M. Enterprises - 580K Case	45.00	46.00	47.00
2. F & S Excavating - JD310	45.95	47.45	48.95
3. Cardi Construction - Cat 416 XL (2)	50.00	50.00	50.00
4. Acme Excavating - M.F. 50C (2)	50.00	50.00	50.00
<u>Rubber Tire Backhoe - John Deere 410 or equivalent</u>			
1. C.L.M. Heavy Equipment - Ford 555 (2)	35.00	35.00	35.00
2. Ray's Construction - JCB 1400 4X4	42.00	44.00	46.00
3. L.M. Enterprises - 580SK Case	45.00	46.00	47.00
4. Carlo Bros. Excavating - 580K Case	45.00	46.00	47.00
<u>Rubber Tire Backhoe - John Deere 510 or equivalent</u>			
1. Cardi Construction - Cat 416 XL (2)	50.00	50.00	50.00
2. Workman Excavating - JD 510	50.00	52.00	54.00
3. Carson Equipment - JD510	52.00	54.00	56.00
<u>Rubber Tire Backhoe - John Deere 710 or equivalent</u>			
1. C.L.M. Heavy Equipment - Ford 755	50.00	50.00	50.00

Note: () indicates number of pieces of equipment available if more than one

Suppliers of Rental Equipment Must be Called in Order
From Lowest Bidder to Highest Bidder.

	<u>1995</u>	<u>1996</u>	<u>1997</u>
<u>Rubber Tire Backhoe - with Extend-a-hoe</u>			
1. C.L.M. Heavy Equipment - Ford 555 (2)	35.00	35.00	35.00
2. Bill Wilcockson Trenching (2) - JCB 214/Ford 455	37.75	38.75	39.75
3. R.C.M. Contracting - 555 Ford Ex-Hoe (3)	38.00	38.00	38.00
4. Ray's Construction - JCB 1400 4X4	45.00	47.00	49.00
5. Roma Concrete - Case 580E	45.00	47.00	49.00
6. Rioux Excavating (2) - 1988 JCB/1989 JCB 4WD	46.00	48.00	50.00
<u>Rubber Tire Backhoe - with convertible bucket</u>			
1. C.L.M. Heavy Equipment - 12" 24" 18" Buckets Ford 555 with Ex-Hoe (2)	35.00	35.00	35.00
2. Bill Wilcockson Trenching - JCB 214 (2)	37.75	38.75	39.75
3. R.C.M. Contracting - 555 Ford Ex-Hoe (3)	38.00	38.00	38.00
<u>Rubber Tire Backhoe - Cost per Hour for Hoe Ram Attachment</u>			
1. C.L.M. Heavy Equipment	15.00	15.00	15.00
2. R.C.M. Contracting	20.00	20.00	20.00
3. All Around Contracting	30.00	30.00	30.00
4. Carson Equipment	30.00	32.00	34.00
5. JDR Tools	30.00	32.00	34.00

Note: () indicates number of pieces of equipment available if more than one

Suppliers of Rental Equipment Must be Called in Order
From Lowest Bidder to Highest Bidder

	<u>1995</u>	<u>1996</u>	<u>1997</u>
<u>Excavators - John Deere 590 or equivalent</u>			
1. E. Woytkiw Haulage - JD590 (2)	74.95	76.95	78.95
2. JDR Tools - JD590	75.00	77.00	79.00
3. Spar-Con Construction - JD590	76.00	79.00	83.00
<u>Excavators - John Deere 690 or equivalent</u>			
1. F & S Excavating - Hitachi 200	75.00	80.00	80.00
2. D.V.C. Enterprises - JD690E	82.00	84.00	86.00
3. Acme Excavating - 690B Backhoe	85.00	85.00	85.00
4. J.B.R. Rentals - 1994 Cat 320	85.00	89.00	94.00
5. Jasen Enterprises - 690E	85.00	88.00	90.00
6. Carlo Bros. Excavating - 930 Case	85.00	90.00	95.00
7. L.M. Enterprises - Case 9030 (laser available)	85.00	90.00	95.00
<u>Excavators - John Deere 790 or equivalent</u>			
1. E. Woytkiw Haulage - JD 790 (2) - Hitachi 270 (2)	84.95	86.95	88.95
2. D.V.C. Enterprises - Cat 225	87.00	89.00	91.00
3. JDR Tools - JD 790	89.00	91.00	94.00
<u>Excavators - John Deere 992 or equivalent</u>			
1. Dig-it Contractors - Cat 235	95.00	99.00	103.00
2. J.B.R. Rentals - 1988 Cat 235B	105.00	110.00	115.00

Note: () indicates number of pieces of equipment available if more than one

Suppliers of Rental Equipment Must be Called in Order
From Lowest Bidder to Highest Bidder

		<u>1995</u>	<u>1996</u>	<u>1997</u>
<u>Excavators - with Hoe Ram</u>				
1.	C.L.M. Heavy Equipment - Kybota KX101 with BRH40 HoeRam	90.00	90.00	90.00
2.	JDR Tools - JD590+ 7XE, 1500 lb	130.00	135.00	140.00
3.	Jasen Enterprises - NPK 7X on 490	150.00	150.00	150.00
4.	Wm. Groves - Drott 40 c/w 620 tramac 3000ft/lb impact	170.00	170.00	170.00
5.	Cardi Construction - Cat 225 eith NPK 10X	170.00	170.00	175.00
<u>Excavators - others</u>				
1.	Frem Excavating - Takeuchi mini	44.00	45.00	46.00
2.	Digmor Excavating - 50 Hitachi mini	55.00	57.00	59.00
3.	C.R.L. Campbell Bros. - Cat 211LC crawler type 2 Cu.Yd. bucket	66.90	70.25	73.75
	- Drott 35YR 7/8 Cu.Yd. crawler, wrist-o-twist	67.90	71.25	74.90
	- Drott 40YD 7/8 Cu.Yd. 60" bucket, wrist-o-twist, rubber tired	67.90	71.25	74.90
4.	All Around Contracting - JSWBH80 1 3/8 yd.	70.00	70.00	70.00
5.	C.R.L. Campbell Bros. - Warner & Swayse 700A 1 1/2 cu.yd. bucket 6 1/2 ditching bucket crawler, wrist-o-twist	79.90	83.90	87.90
6.	Wm. Groves - Drott 40 rubber tire 36000lb	82.00	82.00	82.00

Note: () indicates number of pieces of equipment available if more than one

Suppliers of Rental Equipment Must be Called in Order
From Lowest Bidder to Highest Bidder

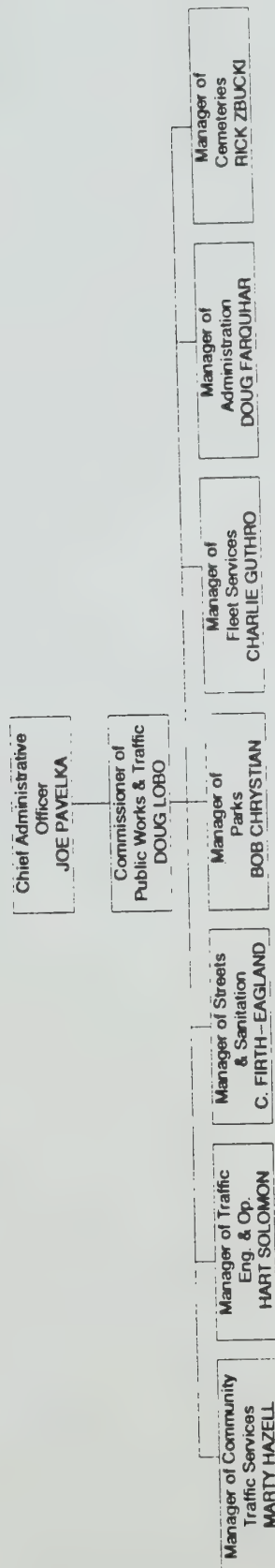
		<u>1995</u>	<u>1996</u>	<u>1997</u>
<u>Bobcats</u>				
1.	E Woytkiw Haulage - 553 bobcat (3)	36.95	38.95	40.95
	- 753 bobcat (3)	39.95	41.95	43.95
2.	Aldershot Rentals - bobcat 743 bucket/forks	45.00	46.00	47.00
3.	Cardi Construction - 763 bobcat/forks	45.00	45.00	47.00
<u>Gradalls - H300</u>				
1.	C.R.L. Campbell Bros. - Warner & Swayse H300 5/8 cu.yd. bucket 23' surface reach, 4' boom ext.	59.75	62.75	65.90
2.	Aldershot Rentals - Gradall 660 Crawler	80.00	82.00	84.00
<u>Gradalls - G600</u>				
1.	C.R.L. Campbell Bros. - Warner & Swayse G440 5/8 cu.yd. bucket 23' surface reach, 4' boom ext.	67.90	71.25	74.90
	- Warner & Swayse G660 3/4 cu.yd. bucket 29' surface reach, 8' boom ext. rubber tired	67.90	71.25	74.90
	- Warner & Swayse G660 3/4 cu.yd. bucket crawler type various buckets & exts.	67.90	71.25	74.90

Note: () indicates number of pieces of equipment available if more than one

Suppliers of Rental Equipment Must be Called in Order
From Lowest Bidder to Highest Bidder

	<u>1995</u>	<u>1996</u>	<u>1997</u>
<u>Compaction Equipment - Smooth Drum</u>			
1. L.M. Enterprises - DynaPac 54"	50.00	55.00	60.00
2. G.F. Mason Excavating - Hyster 72"	60.00	63.00	66.00
3. JDR Tools - 60" Duopact	60.00	62.00	64.00
<u>Compaction Equipment - Pad Foot</u>			
1. Dig-it Contractors - Case 602 P.D.	55.00	58.00	61.00
2. J.B.R. Rentals - 60" PadFoot	60.00	63.00	66.00
3. Danbill Equipment - DynaPac 84"	75.00	77.00	80.00
<u>Compaction Equipment - other</u>			
1. Quigley Contracting - 826 Cat Packer with 14' blade att.	80.00	80.00	85.00

Note: () indicates number of pieces of equipment available if more than one



Appendix "C" as referred to
in Section 19 of the SEVENTH
Report of the Transport and
Environment Committee for 1995

REPORT OF THE PARKS AND RECREATION COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Parks and Recreation Committee presents its **TWELFTH** Report for 1995 and respectfully recommends:

1.
 - (a) That approval as required by Sections 5 (b) and 11 (a) of the Parks By-law No. 77-221 be given to the Food Concession Coordinator, Department of Culture and Recreation to barbecue and sell food and beverages during museum special events in Dundurn Park (Tattoo 1995 July 1; Microcosm - 1995 July 8 to July 9; and An Evening in Scotland - 1995 August 20) in Dundurn Park; and in Gage Park (Children's Museum Birthday Party - 1995 July 20 (Raindate: July 21); and,
 - (b) That the Military Museum, Dundurn Castle and Friends of the Hamilton Children's Museum receive 25% of the gross sales for their respective special events or a 50% profit share on net revenue given inclement weather.
2.
 - (a) That approval be given to the Director of Culture and Recreation to participate in the Regional Environmental Services Department Open House on 1995 September 23; and,
 - (b) That complimentary admission be extended to all visitors on that day.
3. That approval, as required by Section 5 (b) and Section 11 (a) and (c) of Parks By-law No. 77-221, to barbecue, sell food and merchandise, be given to the following community associations, subject to applicants providing to the City of Hamilton proof of \$2 million Comprehensive General Liability Insurance for Property Damage and Bodily Injury, naming the Corporation of the City of Hamilton as co-insured:
 - (a) Templemead Community Council Templemead Park 1995 August 12
 - (b) Templemead Sports Association Templemead Park 1995 September 16
 - (c) Quinndale Community Council Mount Lions Park 1995 August 26
 - (d) Highview Baseball Council Highview Park 1995 August 26
4. That permission be granted to charge green fees on a buy three (3) get one (1) free basis for the 1995 Canadian Public Works Golf Tournament to be held at King's Forest Golf Course on 1995 June 15.

5. That permission be granted to charge green fees on a buy three (3) get one (1) free basis for the 1995 Canadian Football Hall of Fame & Museum annual golf tournament to be held at King's Forest Golf Course on 1995 June 16.
6. That permission be granted to charge green fees on a buy two (2) get one (1) free basis for the Annual Canusa Games Fundraising Golf Tournament to be held at Chedoke Golf Course on 1995 July 21.
7. That permission be granted to charge green fees on a buy three (3) get one (1) free basis for the Optimist International's Central Ontario District, Annual Junior Golf Qualifying Tournament to be held at Chedoke Golf Course on 1995 June 28.
8. That permission be granted to charge green fees on a buy two (2) get one (1) free basis for the Annual Chedoke Golf Course Tournament to be held at Chedoke Golf Course on 1995 June 17.
9.
 - (a) That permission be granted to issue two complimentary golf passes as prizes for the Hamilton-Wentworth Regional Police Retirees Third Annual Golf Tournament being held on Monday 1995 June 26 at Southern Pines Golf and Country Club; and,
 - (b) That permission be granted to issue two complimentary golf passes as prizes for the Ontario Parks Association's Golf Tournament being held on 1995 July 21, in Markham at the Rolling Hills Golf Club; and,
 - (c) That permission be granted to waive the green fees at Chedoke Beddoe to host a summer meeting of the Western Ontario Golf Superintendents' Association on 1995 July 18.
10. That the Director of Culture and Recreation be authorized to issue a complimentary adult admission pass to the five City Museums, for the Fountain Foundation/Hamilton Law Association fund raising auction.
11. That approval be given of the action taken by the Director of Culture and Recreation in granting permission, as required by Section 8 of the Fireworks By-law No. 90-198, to the Kirkendall Recreation Association to hold a "Family Style" Fireworks Display on City property, Highland Gardens (Reservoir Park), located on Hillcrest and Mountain Avenue on 1995 May 22, (Raindate: 1995 May 23), subject to the following terms and conditions:

- (a) That proof of \$5 million Comprehensive General Liability Insurance for Property Damage and Bodily Injury be provided, at least 20 days in advance, naming the Corporation of the City of Hamilton as named insured with a cross liability endorsement; and,
 - (b) That the Kirkendall Recreation Association agree to indemnify the Corporation of the City of Hamilton for any bodily injury or property damage caused by the fireworks display; and,
 - (c) That the Kirkendall Recreation Association comply with all sections of the By-law No. 90-198.
- 12.
- (a) That the agreement between the Corporation of the City of Hamilton and Ruth Stefan, to operate the Food and Drink Concessions at Globe Park and Gage Park, be extended until 1995 September 30, under the same terms and conditions of the prior agreement; and,
 - (b) That the City Solicitor be authorized and directed to have prepared and executed the necessary document; and,
 - (c) That the Director of Culture and Recreation be directed to undertake a review of the operation of these concessions prior to the 1996 Operating Season.
13. That approval as required by Parks By-law No. 77-221, Section 11 be granted to Big "A" Amusement Ltd. sell food and non-alcoholic beverages during the Big "A" Amusement Ltd. fundraising event for the Queenston Parent/Child Drop In Centre 1995 July 19 to July 23 from 12:00 o'clock noon to 11:00 o'clock p.m., in Parkdale Park, subject to the following terms and conditions:
- (a) That insurance, in the amount of \$3 million, Comprehensive General Liability Insurance for Property Damage and Bodily Injury, subject to cross liability, and 30 days notice of cancellation, be provided; and,
 - (b) That the applicant assume responsibility for all labour-related costs as a result of this event i.e. clean-up; and,
 - (c) That the terms and conditions be reviewed and monitored by the Special Events/Festival Advisory Team; and,
 - (d) That a Site Plan of Park to be submitted one month prior to event.

14. (a) That approval be granted to the Juvenile Diabetes Foundation Canada to host a Volleyball Tournament on 1995 June 24 from 11:00 o'clock a.m. to 7:00 o'clock p.m., in Churchill Park, subject to the following terms and conditions:
 - (i) That proof of \$2 million dollars Comprehensive General Liability Insurance for Property Damage and Bodily Injury to be submitted 30 days in advance, naming the City as co-insured with a cross liability endorsement; and,
 - (ii) That the applicant assume responsibility for all labour charges associated with the event (set-up, dismantling, clean-up, etc.); and,
 - (iii) That Special Duty Officers as deemed necessary by the Hamilton-Wentworth Regional Police be provided at the applicant's expense; and,
- (b) That the event will be monitored by the Special Events/Festival Advisory Team, with a post-event report back to Committee.
15. That approval as required by Parks By-law No. 77-221 Section 5, Section 10 (3) and Section 11 to barbecue, sell food and non-alcoholic beverages and amplify sound be granted to The Living Rock Ministries to use Gage Park to host a youth-focused festival part of the "Summer Youth Project", on 1995 July 29 from 12:00 o'clock noon to 11:00 o'clock p.m., subject to the following terms and conditions:
 - (a) That insurance, in the amount of \$2 million, Comprehensive General Liability Insurance for Property Damage and Bodily Injury, subject to cross liability, and 30 days notice of cancellation, be provided; and,
 - (b) That the applicant assume responsibility for all labour-related costs as a result of this event (i.e. set up, clean-up, etc.); and,
 - (c) That Special Duty Officers as deemed necessary by the Hamilton-Wentworth Regional Police be provided at the applicant's expense; and,
 - (d) That the event will be monitored by the Special Events/Festival Advisory Team, with a post-event report back to Committee.
16. That approval, as required by Parks By-law No. 77-221 Section 5 (b), Section 11, Section 20 (4), Section 24 (1) and Section 32, to barbecue, sell food and non-alcoholic and alcoholic beverages, animals in a park and to park vehicles in a park be given to the Regional Municipality of Hamilton Wentworth to use Harbourfront, Pier 4 Park, Eastwood and Bayview Parks to host Greater Hamilton Aquafest, 1995 July 21 to July 23 from 8:00 o'clock a.m. to 11:00 o'clock p.m. subject to the following terms and conditions:

- (a) That proof of the following insurance be provided and submitted thirty (30) days prior to the event, indicating the City as the additional insured, subject to a cross liability clause:
 - (i) Comprehensive General Liability in the amount of \$5 million per occurrence including various hazards, satisfactory to the City; and,
 - (ii) Owned and Non-Owned Watercraft Liability to a minimum of \$5 million per occurrence; and,
 - (iii) Evidence of Owned Automobile coverage (OPF 1) minimum of \$5 million per occurrence; and,
 - (iv) Evidence of Tenant Legal Liability in the amount of \$5 million per occurrence; and,
 - (v) Evidence of Garage Liability in the amount of \$5 million per occurrence; and,
- (b) That insurance, in the amount of \$5 million, Comprehensive General Liability Insurance for Property Damage and Bodily Injury, subject to cross liability, severability provisions and 30 days notice of cancellation, be provided; and,
- (c) That all requirements of the Liquor Licence of Ontario are met; and,
- (d) That alcoholic beverages be served in the confined area (beer and wine only); and,
- (e) That those organizers and their workers who are providing Alcoholic beverages be encouraged to participate, on a voluntary basis, in a "Server Intervention Training Program".
- (f) That the Liquor Licence Board of Ontario be advised that Hamilton City Council is aware of the Greater Hamilton Aquafest being held this year from 1995 July 21 to July 23 at Hamilton Harbour locations and deems this event to be a community festival of municipal significance to the City of Hamilton; and,
- (g) That in this regard, the City of Hamilton has no objections to the issuance of a temporary extension of liquor licence to the following licensed establishments in conjunction with the Aquafest activities:
 - (i) Macassa Bay yacht Club
 - (ii) Leander Rowing Club
 - (iii) Royal Hamilton Yacht Club
 - (iv) Sgt. Mess.- HMCS Star; and,

- (h) That the Liquor Licence Board of Ontario be advised that the following community organizations will be applying for a Special Occasion Permit under community festival of municipal significance:
 - (i) Kinsman Club
 - (ii) Kiwanis
 - (iii) Las Flores
 - (iv) Rotary Club of Hamilton East
 - (v) Hamilton Ships Company of 1812
 - (vi) Hamilton Dragon Boat Society
- (i) That the Regional Municipality of Hamilton-Wentworth enter into a Licence Agreement satisfactory to the City Solicitor; and,
- (j) That Special Duty Officers, as deemed necessary by the Hamilton-Wentworth Regional Police, be provided at the applicant's expense; and,
- (k) That the Region assume responsibility for all labour-related costs as a result of this event, including setup and cleanup; and,
- (l) That the terms and conditions be reviewed and monitored by the Special Events/Festival Advisory Team; and,
- (m) That the Public Works Department's Street Vendors' Program at Harbourfront and Pier 4 parks be allowed to remain open throughout the event; and,
- (n) That the Hamilton Society for the Prevention of Cruelty to Animals (H.S.P.C.A.) be advised of this event and be invited to attend in order to monitor the event's activities.

17. That approval as required by Parks By-law No. 77-221 Section 5 (b), Section 11 and Section 32 to barbecue, sell food and non-alcoholic beverages and park vehicles in a park be granted to the City of Hamilton to use Harbourfront Park and Pier 4 Park to host Canada Day Fireworks Display, on 1995 July 1, subject to the following terms and conditions:

- (a) That the City of Hamilton's Fireworks Display be held at Harbourfront Park at dusk on 1995 July 1; and,
- (b) That the Hands Fireworks licensed fireworks supervisor/company be hired to produce and fire a high level fireworks display; and,

- (c) That Hands Fireworks Company provide proof of \$5 million dollars Comprehensive General Liability Insurance for Property Damage and Bodily Injury to be submitted 30 days in advance by the fireworks company, naming the City as co-insured with a cross liability endorsement; and,
 - (d) That Hands Fireworks enter into a Licensing Agreement satisfactory to the City Solicitor; and,
 - (e) That Special Duty Officers as deemed necessary by the Hamilton-Wentworth Regional Police be provided at the applicant's expense; and,
 - (f) That the event will be monitored by the Special Events/Festival Advisory Team, with a post-event report back to Committee; and,
 - (g) That the Public Works Department's Street Vendors' Program at Harbourfront and Pier 4 Parks be allowed to remain open throughout the event; and,
 - (h) That the Hamilton Harbour Commission be notified and their rules be adhered to.
18. That staff be authorized to solicit for advertisers in the Fall/Winter Program Guide for 1995/96 at the rates charged for the 1994/95 Program Guide:
- (a) For-profit organizations

Full page:	\$1200.
One half page:	\$ 650.
One quarter page:	\$ 350.
One eighth page:	\$ 200.
Business card:	\$ 100.
Business listing:	\$ 50.
 - (b) Not-for-profit community groups

Full page:	\$ 650.
One half page:	\$ 350.
One quarter page:	\$ 200.
One eighth page:	\$ 100.
Business card:	\$ 50.
 - (c) Community associations listing \$ 5.
19. (a) That approval be given for the City of Hamilton to enter into a licence agreement satisfactory to the City Solicitor with Lloyd D. Jackson Square for use of any mall space (within the Mall Management Jurisdiction) for a period of one year, 1995

July 1995 to 1996 July to re-instate Recreational Awareness in the Square (R.A.Y.S.) Programme for Youth; and,

- (b) That staff be authorised to apply for Section 25, Future and Ministry of Culture and Tourism and Recreation Grants to provide staffing and equipment for the programme.

- 20. (a) That a purchase order be issued to M & M Painting and Sandblasting, Cayuga, Ontario, in the amount of \$73,000. plus applicable taxes, for the cleaning and painting of all structural steel including brush blasting of pre-cast underbelly from column one (1) up to and including column twenty (20), this being the lowest of two tenders received in accordance with the specifications issued by the Purchasing Division; and,

- (b) That, as this work is to be completed as soon as possible and prior to the start of the Tiger Cat season, approval be given of the action taken to process this through the emergency procedures of the City of Hamilton Purchasing Policy, that states "An order can be placed upon the approval of two of the following: the Mayor, an appropriate Committee Chairperson, the Chief Administrative Officer and that any action taken under this provision to be reported to the next regular meeting of City Council"; and,

- (c) That the work be financed from Cleaning and Painting - Ivor Wynne Stadium Account No. FAC 042 CH56398 62910 and Renovations and Repairs FAC 022 CH56398 62910.

- 21. (a) That approval be granted to Barton General B.I.A. to locate a tethered hot air balloon during the Barton Street Festival, 1995 June 25, in Woodlands Park, subject to the following terms and conditions:

- (i) That proof of \$5 million dollars Comprehensive General Liability Insurance for Property Damage and Bodily Injury to be submitted 30 days in advance, naming the City, Region of Hamilton-Wentworth, Barton General B.I.A. and Barton Street Revitalization Special Events sub-committee as co-insured with a cross liability endorsement; and,
- (ii) That the applicant assume responsibility for all labour charges associated with the event (set-up, dismantling, clean-up, etc.); and,
- (iii) That Special Duty Officers as deemed necessary by the Hamilton-Wentworth Regional Police be provided at the applicant's expense; and,

- (b) That the event will be monitored by the Special Events/Festival Advisory Team, with a post-event report back to Committee.
22. That approval be given to the Director of Culture and Recreation on behalf of the City to apply for a grant under the Federal Department of Employment and Immigration Section 25 program to hire a four Assistants shared between Sesquicentennial Celebrations and First Night Hamilton for a period of up to thirty-eight (38) weeks.
23. That, in accordance with Section 3(2) of the Cemetery Act, White Chapel Memorial Gardens be given approval to increase the number of niches in an existing niche wall. (urn holding wall)
24. (a) That the action taken by the Director of Culture and Recreation to award contracts through a pre-qualified tender process to hire the General Contractor and sub-trades for the various components of the Dundurn Castle Phase II project be approved; and,
- (b) That the Manager of Cultural Services be authorized to continue to oversee the project as Project Manager; and,
- (c) That a special meeting of the Parks and Recreation Committee be held on 1995 May 30 prior to City Council to award the contract for the Dundurn Castle Restoration Phase II project.
25. That the permit fees for the Hamilton Olde Sports Association to use Turner Park baseball diamonds be reduced from \$1,600. to a flat fee of \$600. for the 1995 Baseball Season only.
26. That the Director of Culture and Recreation be delegated the authority to approve by permit, event functions in City Parks that require approval in accordance with the Parks By-law No. 77-221 or its successor with respect to the following activities:
- (a) Part 02
- Section 12
- While in any Park, no person shall:
- (i) light, build, or stoke an open fire or bonfire unless authorized by Permit
 - (ii) use charcoal or solid fuelled portable barbecue unless authorized by Permit or where Posted to allow same.

(b) Part 02

Section 13

While in any Park, no person shall:

- (i) unless authorized by Permit, hold a picnic, organized gathering or event for more than twenty-five persons, or
- (ii) interfere with a picnic, organized gathering or event authorized by Permit.

(c) Part 02

Section 14

Unless authorized by Permit, no person shall operate loud speakers or amplifying equipment in any park.

(d) Part 02

Section 15

Unless authorized by Permit, no person shall dwell, camp or lodge in any Park

Section 16

Unless authorized by Building Permit, no person shall place install or erect any temporary or permanent tent or structure in any Park.

(e) Part 07

Section 40 (1)

Unless authorized by Permit, no person shall, while in a Park, sell or offer or display for sale:

- (i) any food, drink or refreshments
- (ii) any goods, wares, merchandise or articles including promotional material, souvenirs and novelties; or
- (iii) any art, skill, service or work
- (iv) except in accordance with Schedule "B" (of the Parks By-law No. 77-221)

27.
 - (a) That approval be given for a public artwork of a permanent nature to be installed in a prominent location on City property, in partnership with the private/corporate sector, in celebration of Hamilton's Sesquicentennial in 1996; and,
 - (b) That the location for the artwork selected through a competition process be the outdoor forecourt of City Hall as indicated on the site map attached hereto as Appendix "A" subject to the approval of the Finance and Administration Committee with the understanding that re-siting may be required in the future to conform with a re-development of City Hall grounds; and,
 - (c) that any future proposals for placement of artworks or commemorative pieces within this very important civic space be referred to the Arts Advisory Commission for consultation and advice; and,
 - (d) That an interim volunteer Departmental subcommittee consisting of members of the former Public Art Commission continue to work with staff on the project and to provide public input; and,
 - (e) That funding not to exceed \$75,000. be drawn from Centre CF 709441025 of the Public Art Programme budget to finance the project.
28. That, notwithstanding Section 26 of the Eleventh Report for 1992 of the Finance and Administration Committee which was adopted by City Council at its meeting held Tuesday, 1992 September 20, respecting, in part, the mandate of the Selection Committee to interview applicants and recommend Citizen appointments to the Standing Committee to which the sub-committee reports, the Chairperson of the Parks and Recreation Committee and one other Committee member be authorized to conduct the interviews and recommend appointments to the New Mum Show Sub-Committee.
29. That the Director of Public Works be authorized and directed to prepare a new Parks By-law to replace Parks By-law No. 89-74 and all amendments thereto.
30.
 - (a) That the curbs and landscape islands be modified as per Appendix "B", attached hereto, within the Parking/Driveway areas at the Sackville Hill Seniors Recreation Centre, 758 Upper Wentworth Street to facilitate the unhindered entry and exit of buses; and,
 - (b) That the estimated cost of \$7,000. be charged to Account No. CF 709041013 (Sackville Hill Seniors Recreation Centre).

1995 May 30

31. That leave be granted to introduce the following Bills:

- (a) Bill B-2 A By-law to Authorize the Cemeteries Operation By-law
- (b) Bill B-3 A By-law to Replace By-law No. 89-74 Respecting Parks

Respectfully Submitted,

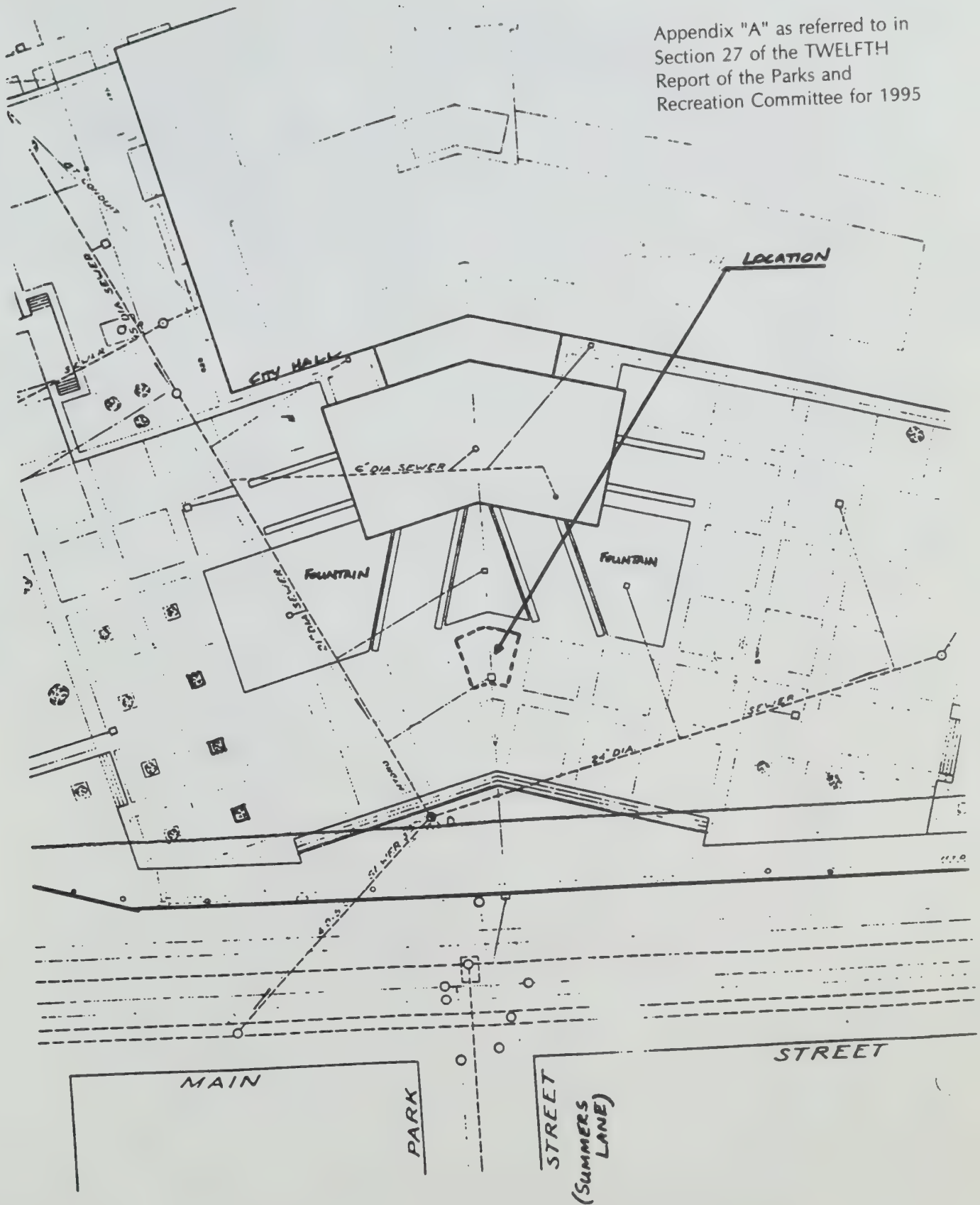
**ALDERMAN T. JACKSON, CHAIRPERSON
PARKS AND RECREATION COMMITTEE**

**Kevin C. Christenson
Secretary**

1995 May 23

1995 May 30

Appendix "A" as referred to in
Section 27 of the TWELFTH
Report of the Parks and
Recreation Committee for 1995

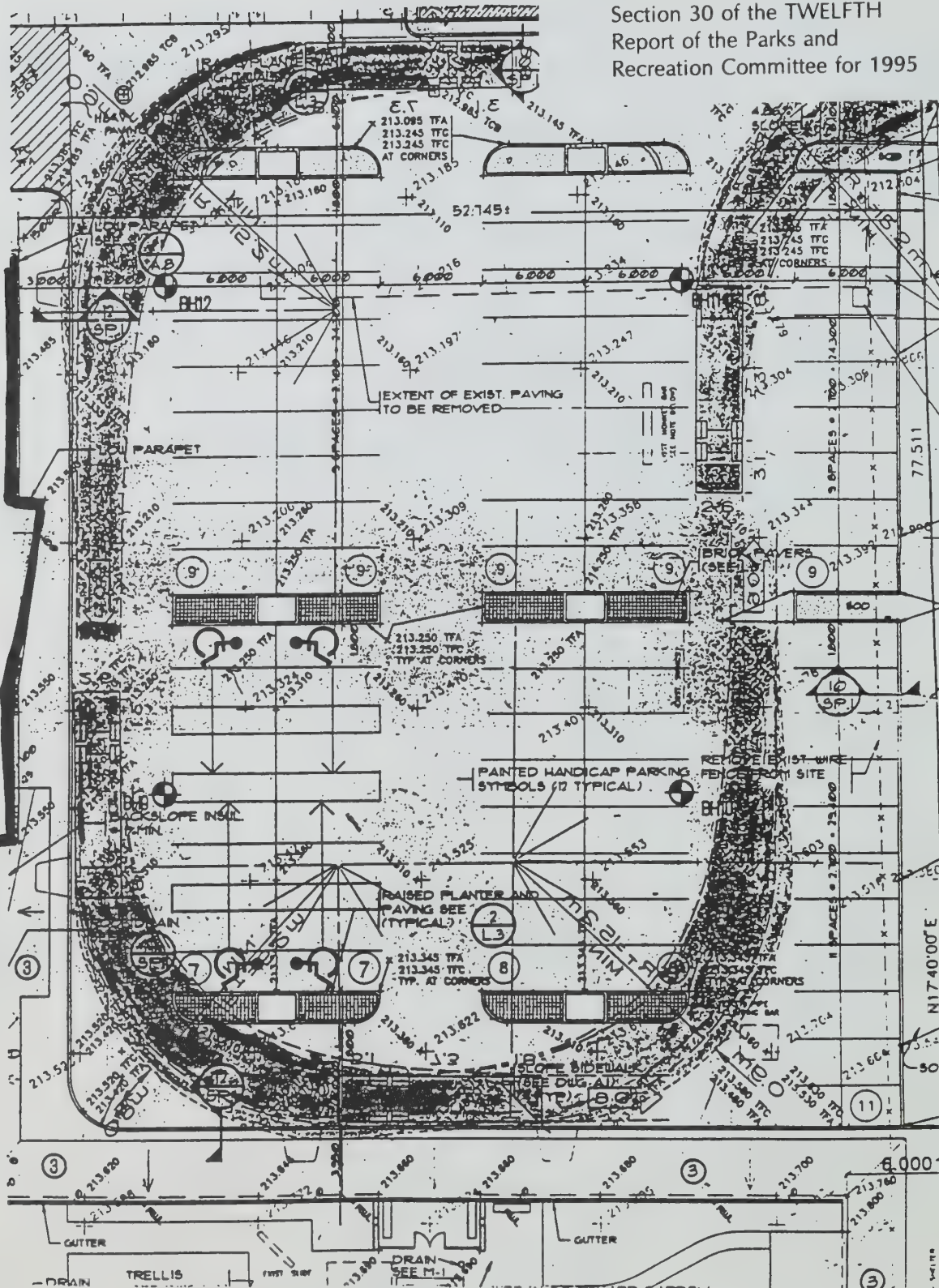


Appendix "B" as referred to in
Section 30 of the TWELFTH
Report of the Parks and
Recreation Committee for 1995

ENTER
EXIT

SENIOR'S CENTRE BLDG.

UPPER WENTWORTH ST.



MOHAWK ROAD



REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Planning and Development Committee presents its **FOURTEENTH** Report for 1995 and respectfully recommends:

1. That amended Zoning Application ZAC-95-05, Peter Hatzoglou, Peter and John Zourntos, Aiden Tuite and Philip Mancini, owners, requesting an Official Plan amendment to modify Special Policy Area 46, and a further modification to the established "G-4" (Designed Neighbourhood Shopping Centre) District regulations, to permit additional commercial uses in an established commercial plaza, for property located at 30 Rymal Road East, as shown on the attached map marked as Appendix "A", be denied for the following reasons:
 - it conflicts with the intent of the Official Plan and the approved Allison Neighbourhood Plan; and,
 - it conflicts with intent of By-law No. 89-246 which rezoned the subject lands to "G-4" (Designed Neighbourhood Shopping Centre) District, modified which specifically limits the commercial uses to those only of a neighbourhood nature and prohibits high traffic generators; and,
 - approval of the application would encourage other similar applications which, if approved, would undermine the intent of the Official Plan and Zoning By-law.
2. That Zoning Application 95-08, Centennial Credit Union Limited, prospective owner, requesting an Official Plan Amendment to create a Special Policy Area to permit a Financial Institution within a Residential Designation and a change in zoning from "D" (Urban Protected Residential -One and Two Family Dwellings, etc.) District to "G" (Neighbourhood Shopping Centre, etc.) District to permit a Credit Union, for lands located at 220 & 222 Burlington Street East, shown on the attached map marked as Appendix "B", be denied for the following reasons:
 - (a) It conflicts with the intent of the approved North End East Neighbourhood Plan in that the subject lands are designated "Single and Double Residential"; and,
 - (b) The proposal would not be compatible with the existing residential development in the surrounding area; and,
 - (c) There is an adequate supply of appropriately designated and zoned lands in the North End Neighbourhoods to accommodate the proposed use (i.e. "J" District lands to the north and "K" District lands to the east); and,

- (d) The proposed use is considered a high traffic generator, and its location would have a negative impact on the current roadway pattern and increase traffic congestion on Burlington Street; and,
 - (e) Approval of the application would encourage other similar applications which, if approved, would undermine the intent of the Zoning By-law.
3. (a) That approval be given to Application CD-95-001, under the Rental Housing Protection Act, Roy Megna (In Trust), owner, for conversion of 19 rental apartment units to 19 condominium units for property located at 174 Herkimer Street, subject to the following conditions:
- (i) That the Owner offer, in writing, to the Tenants named in Appendix "C", the right to lease their current unit, noted in Appendix "C", for a period of not less than nine years, from the registration on title of the Rental Housing Protection Act (RHPA) Approval Agreement required below, at the rent rate set out in Appendix "C", upon the following minimum terms:
 - 1. the Offer must be made within 45 days of the date this resolution is approved by City Council and shall be open for acceptance by the Tenants for a period of at least 30 days; and,
 - 2. that leases entered into as a result of (i) above, be executed prior to the City's execution of the RHPA Approval Agreement; and,
 - 3. that the Tenants' rent shall not be increased during the duration of the lease but for increases permitted under the Residential Rent Regulation Act, as amended; and,
 - 4. that such lease shall commence on the date the Owner's Offer is accepted by signature of the Tenant; and,
 - 5. that the Tenants' may terminate the said lease at any time on 60 days written notice, without penalty.
 - (ii) That the Owner grant to the Tenants named in Appendix "C" an Option to Purchase a Unit specified in Appendix "C", (together with appurtenant interests). Such Option shall allow each tenant at least three years from the registration on title of the RHPA Approval Agreement to exercise their Option to purchase a unit. Within forty-five (45) days of a Tenant's Notice that it is exercising the Option, the Owner and Tenant shall negotiate and enter into an Agreement of Purchase and Sale form, in a form acceptable to the Hamilton Real Estate Board, with the necessary amendments for the sale of a Unit by the Owner, which

Agreement shall incorporate the conditions in Appendix "D" annexed hereto; and,

- (iii) That the Tenant shall have 30 days from receipt of such Option to sign and return to the Owner a copy of the Option acknowledging that he is interested in having the Option in his/her favour and acknowledging that he/she realizes that a formal Notice in writing to the Owner signed by the Tenant shall be received by the Owner on or before the date for such Notice specified in the Option; and,
 - (iv) That this RHPA approval shall cease and be at an end,
 - 1. if the Owner has sold the land without entering and registering the RHPA Approval Agreement with the City; and,
 - 2. in any event, within five years from the date of this approval resolution of Council, unless the Owner has prior to such date, registered a Plan of Condominium in accordance with the applicable legislation and any conditions imposed by the City of Hamilton; and,
 - (v) That the Owner shall enter into a RHPA Approval Agreement with the City satisfactory in form to the Director of Planning and Development and to the City Solicitor, incorporating the City's conditions of approval listed herein (and in Appendices "C", "D" and "E" annexed hereto) and register such Agreement on title to the subject property prior to the issuance of the RHPA Certificate of Approval; and,
 - (vi) In the event that the Owner proposes to sell all of the subject lands, he shall ensure that any prospective new land owner of the whole property, enters into an assumption agreement to assume the obligations of the Owner herein; and,
 - (vii) That the Owner provide the City Solicitor with satisfactory evidence that any and all mortgagees of the property consent to the Rental Housing Protection Act (RHPA) application; and,
 - (viii) That the Owner pay all outstanding taxes owing to the City before the issuance of the RHPA Certificate of Approval; and,
 - (b) That upon satisfaction of the above-noted conditions, the City Clerk be authorized to execute the Certificate of Approval in a form satisfactory to the City Solicitor.
4. (a) That approval be given to Application CD-95-002, under the Rental Housing Protection Act, Bruno Megna (In Trust), owner, for conversion of 20 rental

apartment units to condominium units for property located at 93 Emerald Street South, subject to the following conditions:

- (i) That the Owner offer, in writing, to the Tenants named in Appendix "F", the right to lease their current unit, noted in Appendix "F", for a period of not less than three years from the registration on title of the Rental Housing Protection Act (RHPA) Approval Agreement required below, at the rent rate set out in Appendix "F", upon the following minimum terms:
 - (1) the Offer must be made within 45 days of the date this resolution is approved by City Council and shall be open for acceptance by the Tenants for a period of at least 30 days; and,
 - (2) that leases entered into as a result of (i) above, be executed prior to the City's execution of the RHPA Approval Agreement; and,
 - (3) that the Tenants' rent shall not be increased during the duration of the lease but for increases permitted under the Residential Rent Regulation Act, as amended; and,
 - (4) that such lease shall commence on the date the Owner's Offer is accepted by signature of the Tenant; and,
 - (5) that the Tenants' may terminate the said lease at any time on 60 days written notice, without penalty.
- (ii) That the Owner grant to the Tenants named in Appendix "F" an Option to Purchase a Unit specified in Appendix "F", (together with appurtenant interests). Such Option shall allow each tenant at least three years from the registration on title of the RHPA Approval Agreement to exercise their Option to purchase a unit. Within forty-five (45) days of a Tenant's Notice that it is exercising the Option, the Owner and Tenant shall negotiate and enter into an Agreement of Purchase and Sale form, in a form acceptable to the Hamilton Real Estate Board, with the necessary amendments for the sale of a Unit by the Owner, which Agreement shall incorporate the conditions in Appendix "G" annexed hereto; and,
- (iii) That the Tenant shall have 30 days from receipt of such Option to sign and return to the Owner a copy of the Option acknowledging that he is interested in having the Option in his/her favour and acknowledging that he/she realizes that a formal Notice in writing to the Owner signed by the Tenant shall be received by the Owner on or before the date for such Notice specified in the Option; and,

- (iv) That this RHPA approval shall cease and be at an end,
 - 1. if the Owner has sold the land without entering and registering the RHPA Approval Agreement with the City; and,
 - 2. in any event, within five years from the date of this approval resolution of Council, unless the Owner has prior to such date, registered a Plan of Condominium in accordance with the applicable legislation and any conditions imposed by the City of Hamilton; and,
- (v) That the Owner shall enter into a RHPA Approval Agreement with the City satisfactory in form to the Director of Planning and Development and to the City Solicitor, incorporating the City's conditions of approval listed herein (and in Appendices "F", "G" and "H" annexed hereto) and register such Agreement on title to the subject property prior to the issuance of the RHPA Certificate of Approval; and,
- (vi) In the event that the Owner proposes to sell all of the subject lands, he shall ensure that any prospective new land owner of the whole property, enters into an assumption agreement to assume the obligations of the Owner herein; and,
- (vii) That the Owner provide the City Solicitor with satisfactory evidence that any and all mortgagees of the property consent to the Rental Housing Protection Act (RHPA) application; and,
- (viii) That the Owner pay all outstanding taxes owing to the City before the issuance of the RHPA Certificate of Approval; and,
- (b) That upon satisfaction of the above-noted conditions, the City Clerk be authorized to execute the Certificate of Approval in a form satisfactory to the City Solicitor.
- 5. (a) That approval be given to Application CD-95-003, under the Rental Housing Protection Act, Roy Megna (In Trust), owner, for conversion of 39 rental apartment units to condominium units for the property located at 2373 King Street East, subject to the following conditions:
 - (i) That the Owner offer, in writing, to the Tenants named in Appendix "I", the right to lease their current unit, noted in Appendix "I", for a period of not less than three years from the registration on title of the Rental Housing Protection Act (RHPA) Approval Agreement required below, at the rent rate set out in Appendix "I", upon the following minimum terms:

- (1) the Offer must be made within 45 days of the date this resolution is approved by City Council and shall be open for acceptance by the Tenants for a period of at least 30 days; and,
 - (2) that leases entered into as a result of (i) above, be executed prior to the City's execution of the RHPA Approval Agreement; and,
 - (3) that the Tenants' rent shall not be increased during the duration of the lease but for increases permitted under the Residential Rent Regulation Act, as amended; and,
 - (4) that such lease shall commence on the date the Owner's Offer is accepted by signature of the Tenant; and,
 - (5) that the Tenants' may terminate the said lease at any time on 60 days written notice, without penalty.
- (ii) That the Owner grant to the Tenants named in Appendix "I" an Option to Purchase a Unit specified in Appendix "I", (together with appurtenant interests). Such Option shall allow each tenant at least three years from the registration on title of the RHPA Approval Agreement to exercise their Option to purchase a unit. Within forty-five (45) days of a Tenant's Notice that it is exercising the Option, the Owner and Tenant shall negotiate and enter into an Agreement of Purchase and Sale form, in a form acceptable to the Hamilton Real Estate Board, with the necessary amendments for the sale of a Unit by the Owner, which Agreement shall incorporate the conditions in Appendix "J" annexed hereto; and,
- (iii) That the Tenant shall have 30 days from receipt of such Option to sign and return to the Owner a copy of the Option acknowledging that he is interested in having the Option in his/her favour and acknowledging that he/she realizes that a formal Notice in writing to the Owner signed by the Tenant shall be received by the Owner on or before the date for such Notice specified in the Option; and,
- (iv) That this RHPA approval shall cease and be at an end,
1. if the Owner has sold the land without entering and registering the RHPA Approval Agreement with the City; and,
 2. in any event, within five years from the date of this approval resolution of Council, unless the Owner has prior to such date, registered a Plan of Condominium in accordance with the applicable legislation and any conditions imposed by the City of Hamilton; and,

- (v) That the Owner shall enter into a RHPA Approval Agreement with the City satisfactory in form to the Director of Planning and Development and to the City Solicitor, incorporating the City's conditions of approval listed herein (and in Appendices "I", "J" and "K" annexed hereto) and register such Agreement on title to the subject property prior to the issuance of the RHPA Certificate of Approval; and,
 - (vi) In the event that the Owner proposes to sell all of the subject lands, he shall ensure that any prospective new land owner of the whole property, enters into an assumption agreement to assume the obligations of the Owner herein; and,
 - (vii) That the Owner provide the City Solicitor and the Director of Planning and Development with satisfactory evidence that any and all mortgagees of the property consent to the Rental Housing Protection Act (RHPA) application; and,
 - (viii) That the Owner pay all outstanding taxes owing to the City before the issuance of the RHPA Certificate of Approval; and,
- (b) That upon satisfaction of the above-noted conditions, the City Clerk be authorized to execute the Certificate of Approval in a form satisfactory to the City Solicitor.
6. (a) That approval be given to application SAC-94-01 (Regional File No. 25T-94002), 603976 Ontario Limited (Terra Homes), owner, to establish a draft plan of subdivision "San Lorenzo Heights", for lands located east of Upper James Street and north of Chipman Avenue, as shown on the attached map marked as Appendix "L", subject to the following conditions:
- (i) That this approval apply to the plan, prepared by A.J. Clark and Associates and certified by B.J. Clark, O.L.S., dated April 21, 1994, now red line revised, showing 50 lots for single detached dwellings, and a 0.3 metre reserve (Block 51); and,
 - (ii) That the final plan conform with the applicable provisions of the "C" (Urban Protected Residential, etc.) District in the City of Hamilton Zoning By-law No. 6593; and,
 - (iii) That the proposed plan of subdivision not be registered until a road connection has been approved for construction on the existing portion of Ridge Street from Chipman Avenue to the south limit of the proposed plan of subdivision; and,

- (iv) That the north/south portion of Street "A" to the east of Lot 1 be established to its full width prior to the registration of the Final Plan of subdivision; and,
- (v) That a 0.30 metre reserve be established, as a block, on the Final Plan of subdivision along the north limits of Street "A", at the dead-end, and that the owner agree to convey the reserve to the City of Hamilton, by deed, following registration of the Final Plan of subdivision; and,
- (vi) That the owner establish 9.0 metre transitional curves into and out of the cul-de-sac bulbs on Street "A" and Court "B" on the Final Plan of subdivision; and,
- (vii) That a minimum 2.0 x 2.0 metre daylight triangle be established at the corner of Lot 30 on the Final Plan of subdivision; and,
- (viii) That the Owner be required to enter into a subdivision agreement with the City of Hamilton prior to development of any portion of these lands; and,
- (ix) That the owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton as provided for under section 51 of the Planning Act; and,
- (x) That the owner shall erect a sign in accordance with Section XI of the subsequent Subdivision Agreement, prior to the issuance of a final release by the City of Hamilton; and,
- (xi) That the streets be named to the satisfaction of the City of Hamilton; and,
- (xii) That the streets be dedicated to the City of Hamilton as public highways in the final plan; and,
- (xiii) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority; and,
- (xiv) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block and the gross area of the Subdivision in the Final Plan; and,
- (xv) That the proposed plan of Subdivision not be registered until the holding provision in the Zoning By-law has been removed; and,
- (xvi) That the owner agree in writing, to satisfy all the requirements, financial and otherwise, of the City of Hamilton; and,

- (b) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Regional Municipality of Hamilton-Wentworth with respect to this application (SAC-94-01/25T-94002), "San Lorenzo Heights", proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council; and,
 - (c) That the approved Jerome Neighbourhood Plan be amended as follows (see Appendix "M"):
 - (i) From "Civic and Institutional" to "Single and Double Residential" for the parcel of land extending approximately 130 m east and 90 m north of the north-east corner of the proposed "San Lorenzo Heights" plan of subdivision; and,
 - (ii) From "Single and Double Residential" to "Civic and Institutional" for the parcel of land located to the north of Lots 14 to 20 inclusive of the proposed "San Lorenzo Heights" plan of subdivision, and extending to a depth of approximately 100 m; and,
 - (iii) The road pattern be revised based on the termination of Ridge Street at the intersection of Ridge Street and Street "A" and the northerly extension of Street "A" to the proposed extension of Towercrest Drive; and,
 - (d) That the City Clerk be directed to advise the Regional Commissioner of Planning and Development of Council's decision.
7. (a) That approval be given to the "Intent to Designate" 207, 211, 213, 215 Ferguson Avenue South (4 units of 50-unit Victorian rowhouse) as properties of historical and architectural value, pursuant to the provisions of the Ontario Heritage Act, 1989, as outlined in the Reasons for Designation attached herewith and marked Appendix "N"; and,
- (b) That the City Solicitor be authorized as directed to take appropriate action to have these properties designated pursuant to the provisions of the Ontario Heritage Act, 1989.
8. (a) That Section 7 of By-law No. 84-35 respecting Domestic and Industrial Waste be repealed and the following substituted;
7. (1) "The Commissioner or an Inspector may make an Order sent by regular mail to the last known address on the assessment records, to the owner, lessee or occupant, and by posting on site, requiring the owner, lessee or occupant, within the time specified in the Order:

- (i) to keep his private drains in repair; and,
- (ii) to alter or relay his private drains; and,
- (iii) to provide for the sanitary disposal of sewage and drainage from his land or structure; and,
- (iv) to clean, clear or remove from the land or structure garbage, refuse or domestic or industrial waste of any kind; and,
- (v) to cease using the land or structure for the dumping or disposing of garbage, refuse, or domestic or industrial waste of any kind; and,
- (vi) to cover over, screen, shield or enclose the garbage, refuse or the domestic or industrial waste in the manner prescribed by the Commissioner or Inspector; and,
- (vii) Every Order sent by the Commissioner or Inspector, shall identify the land or structure; and,

(b) That the appropriate By-law be enacted by Council.

- 9. That the total outstanding Community Heritage Loan for Mr. C. Kopriva, 235 Locke Street North, Hamilton, in the amount of six thousand, four hundred and eighty-one dollars and twenty cents (\$6,481.20) be placed on the tax rolls.
- 10. That the Building Commissioner be directed to waive the requirement of charging administration fees for Committee of Adjustment applications and Property Reports in relation to the implementation of the Barton Street Redevelopment Program for the area described under By-law No. 87-178, Barton East #1 BIA. This directive shall expire 1997 December 31.
- 11. That the Building Commissioner be authorized to issue a demolition permit for 514-516 Burlington Street East, in accordance with By-Law No. 74-290 pursuant to Section 33 of The Planning Act, as amended.
- 12. That the appropriate staff (eg. Law and Planning Departments) be authorized to attend the Ontario Municipal Board hearing regarding an appeal to the Committee of Adjustment decision to deny Application No. A-95-57, respecting property located at No. 187 Napier Street.

13. (a) That approval be given to Zoning Application ZAR-95-16, 891157 Ontario Limited (R. Yates), owner, requesting removal of the 'H' - Holding provision under Section 36 of the Planning Act, to permit commercial development including a restaurant use, for property located at No. 1010-1024 Upper Wentworth Street, as shown on the attached map marked as Appendix "O". The 'H' - Holding provision was placed on the subject lands conditional upon the applicant/owner receiving Site Plan approval, and receiving approvals and amendments for access to the lands from Regional Council, as required by the Regional Roads Department, which conditions have now been satisfied; and,

(b) That the Director of Planning be directed to prepare a By-law to amend Zoning By-law No. 6593, as amended by By-laws No. 85-171 and No. 93-145, and Zoning District Map E-18A, in a form satisfactory to the City Solicitor, for presentation to City Council.
14. That the City of Hamilton accept the sum of \$115,225.00 as a cash payment in lieu of the 5% land dedication in connection with Wisemount Estates - Phase 7, Hamilton, located in the Lisgar Neighbourhood on the west side of Upper Kenilworth Avenue, between Landron Avenue and Limeridge Road East, being the cash payment required under Section 51.1 of the Planning Act.
15. That the City of Hamilton not accept the counter Offer to Purchase in the amount of \$689,000 for the property at 66-68 King Street East (former Foster Building) and that the City take no further action with respect to purchasing this property.
16. That the City of Hamilton forward directly to C.P. the request of the MacNab-Charles Heritage Conservation District Advisory Committee for a buffer to the railway noise and air pollution on the C.P./GO Transit Line Hurst Place (Park to Charles Streets).
17. That leave be granted to introduce the following Bills:
 - (a) C-38 A By-law to Amend Zoning By-law No. 6593 Respecting Land Located at Municipal No. 1445 Main Street West.
 - (b) C-39 A By-law to Establish Site Plan Control Respecting Land Located at Municipal No. 1445 Main Street West.
 - (c) C-40 A By-law to Amend Zoning By-Law No. 6593 Respecting Land Located at Municipal No. 370 Main Street East.
 - (d) C-41 A By-law to Amend Zoning By-law No. 6593 as Amended by Zoning By-laws No. 85-171 and 93-145, Respecting Lands Located at Municipal Nos. 1010-1024 Upper Wentworth Street.

1995 May 30

- (e) C-42 A By-law to Amend By-law No. 84-35 to Provide for Maintaining Land in a Clean and Clear Condition.

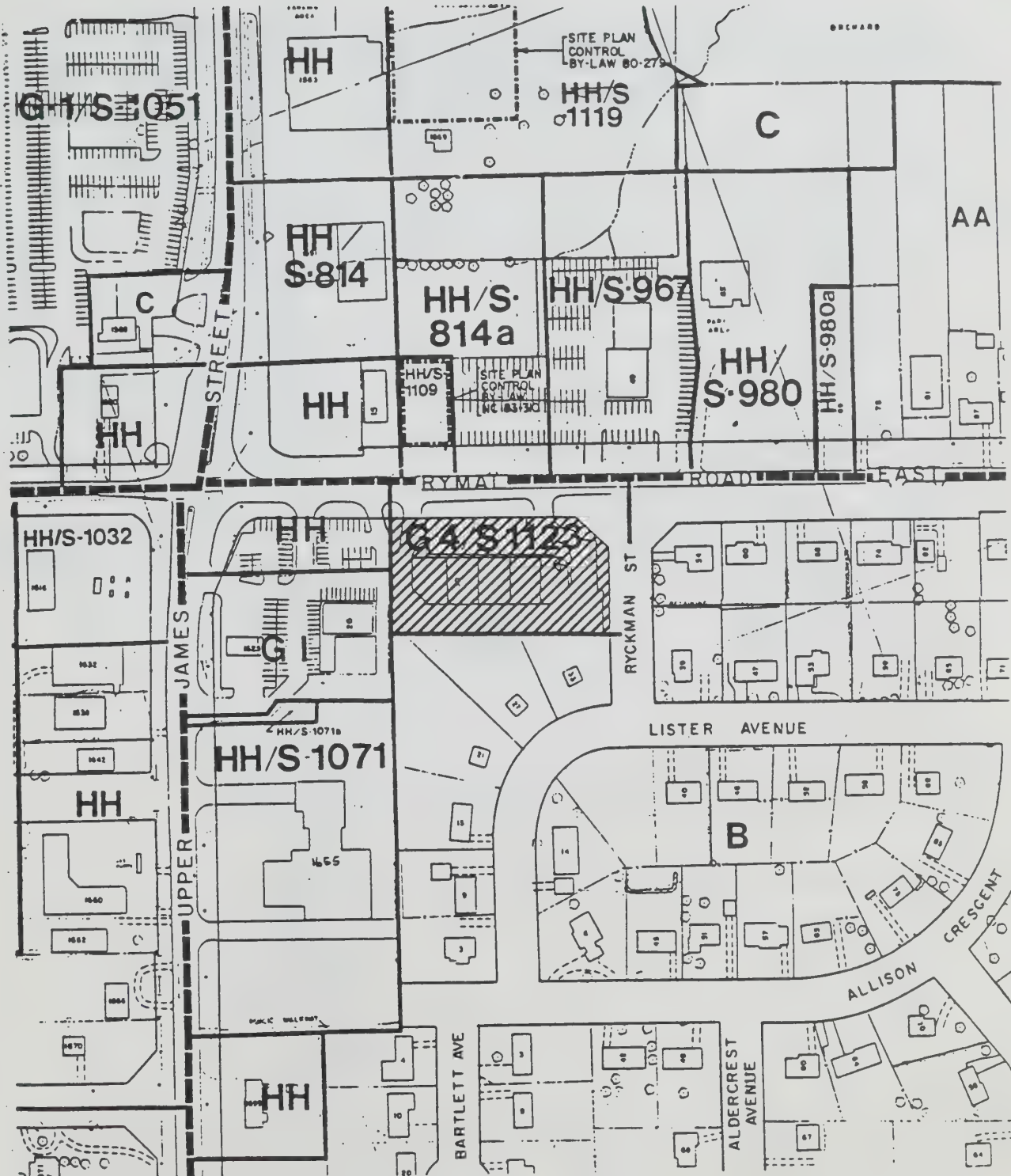
RESPECTFULLY SUBMITTED,

**ALDERMAN D. DRURY, CHAIRPERSON
PLANNING AND DEVELOPMENT COMMITTEE**

**Stella Glover
Secretary**

1995 May 24

1995 May 30



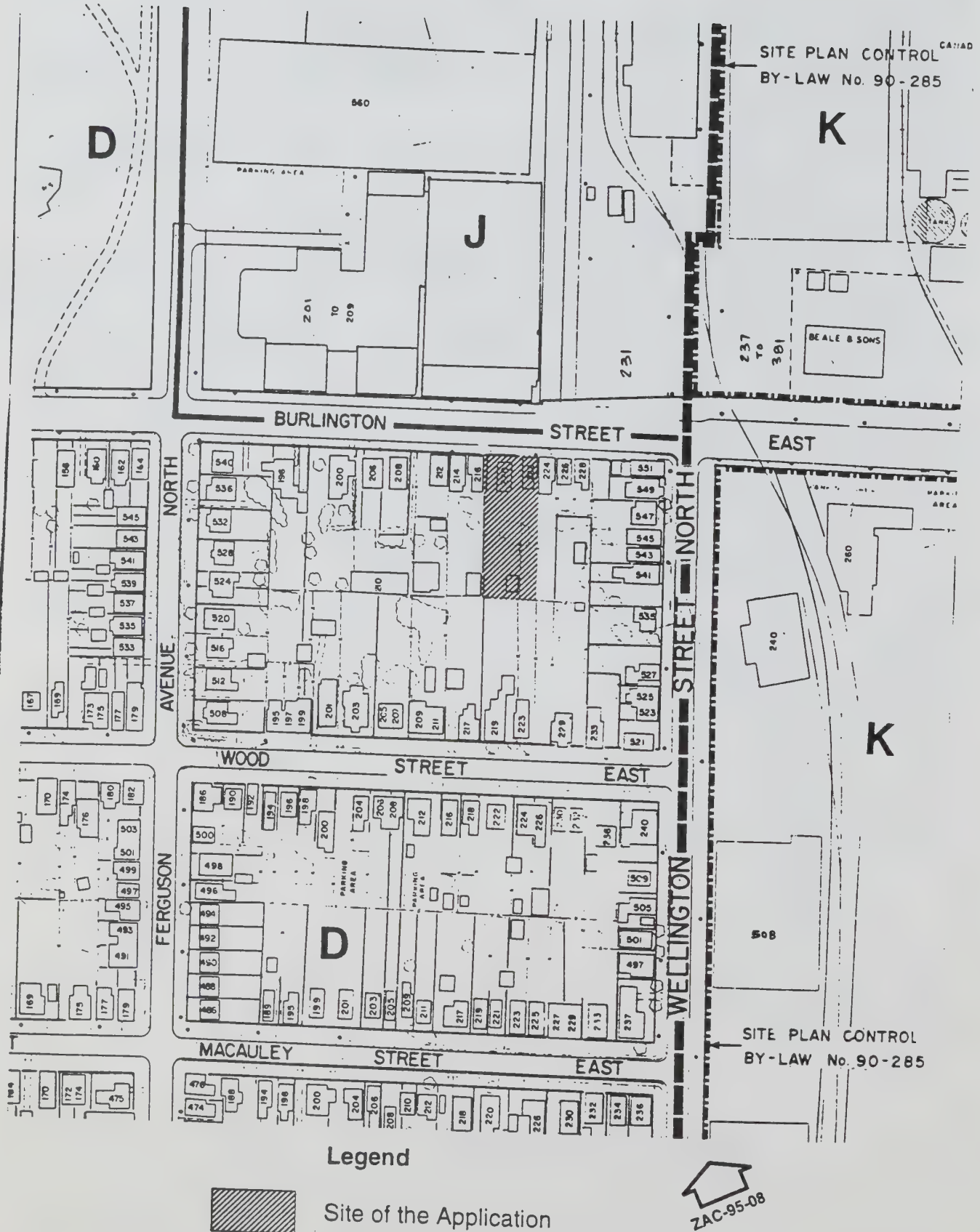
Legend



Site of the Application



1995 May 30



TENANTS AND MONTHLY RENTAL CHARGES AS OF MAY, 1995174 HERKIMER STREET

Apt. 101	John P. Tenute 174 Herkimer Street Hamilton, Ontario L8P 2H4 Two-Bedroom/\$465.38	Apt. 204	Wahid Aburkhris 174 Herkimer Street Hamilton, Ontario L8P 2H4 Two-Bedroom/\$471.70
Apt. 102	Jodi-Ann Sedore & Deanne Riley 174 Herkimer Street Hamilton, Ontario L8P 2H4 Two-Bedroom/\$474.86	Apt. 301	Cynthia Dean 174 Herkimer Street Hamilton, Ontario L8P 2H4 Two-Bedroom/\$478.03
Apt. 103	Sharon McKee & Muria Daw 174 Herkimer Street Hamilton, Ontario L8P 2H4 Two-Bedroom/\$478.98	Apt. 302	Marlene Gregson 174 Herkimer Street Hamilton, Ontario L8P 2H4 Two-Bedroom/\$469.17
Apt. 201	Penny Fischer 174 Herkimer Street Hamilton, Ontario L8P 2H4 Two-Bedroom/\$465.38	Apt. 303	Englea McAra & K. Johnson 174 Herkimer Street Hamilton, Ontario L8P 2H4 Two-Bedroom/\$481.82
Apt. 202	Valli Vurma 174 Herkimer Street Hamilton, Ontario L8P 2H4 Two-Bedroom/\$465.38	Apt. 304	Darryl & Jennifer Frewin 174 Herkimer Street Hamilton, Ontario L8P 2H4 Two-Bedroom/\$459.68
Apt. 203	Mr. & Mrs. V. Ozols 174 Herkimer Street Hamilton, Ontario L8P 2H4 Two-Bedroom/\$464.11	Apt. 401	Julia Paskevicius 174 Herkimer Street Hamilton, Ontario L8P 2H4 Two-Bedroom/\$481.82

Apt. 402	Joan Hambleton 174 Herkimer Street Hamilton, Ontario L8P 2H4 Two-Bedroom/\$481.82
Apt. 403	Linda & Evald Lattik 174 Herkimer Street Hamilton, Ontario L8P 2H4 Two-Bedroom/\$484.35
Apt. 404	Tom & Terri Whitworth 174 Herkimer Street Hamilton, Ontario L8P 2H4 Two-Bedroom/\$488.78
Apt. 501	Virginia Keleher 174 Herkimer Street South Hamilton, Ontario L8P 2H4 Two-Bedroom/\$490.05
Apt. 502	Frances Hill 174 Herkimer Street Hamilton, Ontario L8P 2H4 Two-Bedroom/\$477.71
Apt. 503	Varju Reio 174 Herkimer Street Hamilton, Ontario L8P 2H4 Two-Bedroom/\$434.38
Apt. 504	Jane R. Mac Beth 174 Herkimer Street Hamilton, Ontario L8P 2H4 Two-Bedroom/\$477.71
Garage	Paul Boyd 174 Herkimer Street Hamilton, Ontario L8P 2H4 Garage/\$154.80

1995 May 30

The Agreement of Purchase and Sale shall provide,

- (a) that the sale shall be completed within One Hundred and Twenty (120) days of execution of the agreement, unless otherwise agreed by the Tenant and Owner; and,
- (b) that the purchase price for a Unit be the price agreed upon between the Owner and the Tenant which price shall not exceed the dollar value assigned to the Unit by an accredited appraiser of real property less,
 - i) \$4,000.00 or 5.0 percent of the appraised dollar value of the Unit, whichever is greater; and,
 - ii) 25.0 percent of the total rental payments made by the Tenant in the preceding 12-month period prior to date the Agreement of Purchase and Sale is executed between the Tenant and the Owner.

The aforementioned accredited appraiser of real property shall be retained at the expense of the owner and the appraisal of the unit shall be conducted within 21 days of the Tenant exercising their Option to purchase a unit.

The conditions of RHPA approval are subject to the following standard terms, which terms shall form part of the applicable document:

- (a) The following documents, namely the RHPA Approval Agreement, the leases and the Options to Purchase shall be prepared by the Owner and registered by the Owner at its expense, including payment of registration fees.
- (b) If the Tenant at any time vacates their rental unit, the Tenant's rights pursuant to lease and the Option to Purchase shall cease. The Tenant may not enter into an Agreement of Purchase and Sale unless the Tenant is at the time of its execution in possession of a rental unit.
- (c) The Tenant's rights under the RHPA Approval Agreement, the lease, and the Option to Purchase shall be personal to the named Tenant(s) only and not assignable by the Tenant(s) to anyone, unless approved by the owner, in the owners absolute discretion.
- (d) If the Director of Planning and Development receives a declaration from the Owner that a Tenant named in Appendix "A" has not, or does not want, to enter into the said lease or the said Option or both of them, or that the Tenant has vacated the rental unit, the Director of Planning and Development shall send by registered mail to the Tenant at the rental unit listed in Appendix "A", a Notice that the Tenant's rights to the lease or Option, as the case may be, shall cease within twenty-one days of the mailing of the Notice unless the Tenant is still in possession of the premises and has within the said twenty-one day period, collected such document from the Owner and returned to the Owner a copy of the document signed by the Tenant. The Owner shall sign and return the document to the Tenant in accordance with the other time limits of this approval.

TENANTS AND MONTHLY RENTAL CHARGES AS OF MAY 8, 1995**93 EMERALD STREET SOUTH**

Apt. 201	(Vacant) 93 Emerald Street South Hamilton, Ontario L8N 2V4 One-Bedroom/\$498.49	Apt. 302	Trevor & Lora Hurtubise 93 Emerald Street South Hamilton, Ontario L8N 2V4 One-Bedroom/\$530.07
Apt. 202	Jessie Hardie 93 Emerald Street South Hamilton, Ontario L8N 2V4 One-Bedroom/\$508.46	Apt. 303	Mary Canning 93 Emerald Street South Hamilton, Ontario L8N 2V4 Bachelor/\$412.05
Apt. 203	Fred Walton 93 Emerald Street South Hamilton, Ontario L8N 2V4 Bachelor/\$549.51	Apt. 304	Don & Marrell Wood 93 Emerald Street South Hamilton, Ontario L8N 2V4 One-Bedroom/\$752.79
Apt. 204	Brian Faubert 93 Emerald Street South Hamilton, Ontario L8N 2V4 One-Bedroom/\$486.86	Apt. 305	Catharine Copeland 93 Emerald Street South Hamilton, Ontario L8N 2V4 One-Bedroom/\$484.70
Apt. 205	John Forand 93 Emerald Street South Hamilton, Ontario L8N 2V4 One-Bedroom/\$514.62	Apt. 401	Thomas Blanchard 93 Emerald Street South Hamilton, Ontario L8N 2V4 One-Bedroom/\$504.76
Apt. 301	Claudette Hurtubise 93 Emerald Street South Hamilton, Ontario L8N 2V4 One-Bedroom/\$727.37	Apt. 402	Carolyn Vanderschof 93 Emerald Street South Hamilton, Ontario L8N 2V4 One-Bedroom/\$538.38

Apt. 403 Albert Liebing
93 Emerald Street South
Hamilton, Ontario
L8N 2V4

Bachelor/\$437.19

Apt. 404 Brian Burkholder
93 Emerald Street South
Hamilton, Ontario
L8N 2V4

One-Bedroom/\$781.04

Apt. 405 Mary Krestynski
93 Emerald Street South
Hamilton, Ontario
L8N 2V4

One-Bedroom/\$499.66

Apt. 501 Owner Occupied
93 Emerald Street South
Hamilton, Ontario
L8N 2V4

One-Bedroom/\$474.73

Apt. 502 Clem Gagner & Mike Vincent
93 Emerald Street South
Hamilton, Ontario
L8N 2V4

One-Bedroom/\$518.44

Apt. 503 David MacIntyre
93 Emerald Street South
Hamilton, Ontario
L8N 2V4

Bachelor/\$437.19

Apt. 504 Geraldine Greenwood
93 Emerald Street South
Hamilton, Ontario
L8N 2V4

One-Bedroom/\$508.46

Apt. 505 Norman Wreaks
93 Emerald Street South
Hamilton, Ontario
L8N 2V4

One-Bedroom/\$491.84

1995 May 30

The Agreement of Purchase and Sale shall provide,

- (a) that the sale shall be completed within One Hundred and Twenty (120) days of execution of the agreement, unless otherwise agreed by the Tenant and Owner; and,
- (b) that the purchase price for a Unit be the price agreed upon between the Owner and the Tenant which price shall not exceed the dollar value assigned to the Unit by an accredited appraiser of real property less,
 - i) \$4,000.00 or 5.0 percent of the appraised dollar value of the Unit, whichever is greater; and,
 - ii) 25.0 percent of the total rental payments made by the Tenant in the preceding 12-month period prior to date the Agreement of Purchase and Sale is executed between the Tenant and the Owner.

The aforementioned accredited appraiser of real property shall be retained at the expense of the owner and the appraisal of the unit shall be conducted within 21 days of the Tenant exercising their Option to purchase a unit.

The conditions of RHPA approval are subject to the following standard terms, which terms shall form part of the applicable document:

- (a) The following documents, namely the RHPA Approval Agreement, the leases and the Options to Purchase shall be prepared by the Owner and registered by the Owner at its expense, including payment of registration fees.
- (b) If the Tenant at any time vacates their rental unit, the Tenant's rights pursuant to lease and the Option to Purchase shall cease. The Tenant may not enter into an Agreement of Purchase and Sale unless the Tenant is at the time of its execution in possession of a rental unit.
- (c) The Tenant's rights under the RHPA Approval Agreement, the lease, and the Option to Purchase shall be personal to the named Tenant(s) only and not assignable by the Tenant(s) to anyone, unless approved by the owner, in the owners absolute discretion.
- (d) If the Director of Planning and Development receives a declaration from the Owner that a Tenant named in Appendix "A" has not, or does not want, to enter into the said lease or the said Option or both of them, or that the Tenant has vacated the rental unit, the Director of Planning and Development shall send by registered mail to the Tenant at the rental unit listed in Appendix "A", a Notice that the Tenant's rights to the lease or Option, as the case may be, shall cease within twenty-one days of the mailing of the Notice unless the Tenant is still in possession of the premises and has within the said twenty-one day period, collected such document from the Owner and returned to the Owner a copy of the document signed by the Tenant. The Owner shall sign and return the document to the Tenant in accordance with the other time limits of this approval.

TENANTS AND MONTHLY RENTAL CHARGES AS OF MAY 9, 1995**2373 King Street East**

<p>Apt. 11 Gloria Bruce 2373 King Street East Apt. 11 Hamilton, Ontario L8K 1X9</p> <p>One-Bedroom/\$557.10</p>	<p>Apt. 18 John Wilkins 2373 King Street East Apt. 18 Hamilton, Ontario L8K 1X9</p> <p>One-Bedroom/\$579.41</p>
<p>Apt. 12 Brian Floresco 2373 King Street East Apt. 12 Hamilton, Ontario L8K 1X9</p> <p>One-Bedroom/\$579.41</p>	<p>Apt. 21 VACANT 2373 King Street East Apt. 21 Hamilton, Ontario L8K 1X9</p> <p>One-Bedroom/\$579.41</p>
<p>Apt. 14 Werner Bebas 2373 King Street East Apt. 14 Hamilton, Ontario L8K 1X9</p> <p>One-Bedroom/\$579.41</p>	<p>Apt. 22 Christopher Massie 2373 King Street East Apt. 22 Hamilton, Ontario L8K 1X9</p> <p>One-Bedroom/\$579.41</p>
<p>Apt. 15 Carrie Floresco 2373 King Street East Apt. 15 Hamilton, Ontario L8K 1X9</p> <p>One-Bedroom/\$579.41</p>	<p>Apt. 23 Gloria Manduik 2373 King Street East Apt. 23 Hamilton, Ontario L8K 1X9</p> <p>One-Bedroom/\$579.41</p>
<p>Apt. 16 John Coviell and Diana Ciotti 2373 King Street East Apt. 16 Hamilton, Ontario L8K 1X9</p> <p>One-Bedroom/\$579.41</p>	<p>Apt. 24 Nancy Beauchamp 2373 King Street East Apt. 24 Hamilton, Ontario L8K 1X9</p> <p>One-Bedroom/\$579.41</p>
<p>Apt. 17 Sandra Myers 2373 King Street East Apt. 17 Hamilton, Ontario L8K 1X9</p> <p>One-Bedroom/\$579.41</p>	<p>Apt. 25 Vern and Mary Ellen Morrell 2373 King Street East Apt. 25 Hamilton, Ontario L8K 1X9</p> <p>One-Bedroom/\$579.41</p>

1995 May 30

Apt. 26 Jim Pringle
2373 King Street East
Apt. 26
Hamilton, Ontario
L8K 1X9

One-Bedroom/\$579.41

Apt. 27 Steve Sauve
2373 King Street East
Apt. 27
Hamilton, Ontario
L8K 1X9

One-Bedroom/\$579.41

Apt. 28 Gary Marshall
2373 King Street East
Apt. 28
Hamilton, Ontario
L8K 1X9

One-Bedroom/\$579.41

Apt. 31 Mary Charbonneau
2373 King Street East
Apt. 31
Hamilton, Ontario
L8K 1X9

One-Bedroom/\$579.41

Apt. 32 Richard Grant
2373 King Street East
Apt. 32
Hamilton, Ontario
L8K 1X9

One-Bedroom/\$579.41

Apt. 33 Stacey Mullins
2373 King Street East
Apt. 33
Hamilton, Ontario
L8K 1X9

One-Bedroom/\$579.41

Apt. 34 Ross Rhyro
2373 King Street East
Apt. 34
Hamilton, Ontario
L8K 1X9

One-Bedroom/\$579.41

Apt. 35 Rose Sullivan
2373 King Street East
Apt. 35
Hamilton, Ontario
L8K 1X9

One-Bedroom/\$579.41

Apt. 36 Wayne Manion
2373 King Street East
Apt. 36
Hamilton, Ontario
L8K 1X9

One-Bedroom/\$579.41

Apt. 37 Kevin Hanna
2373 King Street East
Apt. 37
Hamilton, Ontario
L8K 1X9

One-Bedroom/\$579.41

Apt. 38 Gerald Dinn and Sandra Kelly
2373 King Street East
Apt. 38
Hamilton, Ontario
L8K 1X9

One-Bedroom/\$579.41

Apt. 41 Rea Reid and Stephen Alexander
2373 King Street East
Apt. 41
Hamilton, Ontario
L8K 1X9

One-Bedroom/\$579.41

Apt. 42 Martin Edwards
2373 King Street East
Apt. 42
Hamilton, Ontario
L8K 1X9

One-Bedroom/\$579.41

Apt. 43 Alex Podworny
2373 King Street East
Apt. 43
Hamilton, Ontario
L8K 1X9

One-Bedroom/\$579.41

1995 May 30

<p>Apt. 44</p> <p>Norman Bonvie 2373 King Street East Apt. 44 Hamilton, Ontario L8K 1X9</p> <p>One-Bedroom/\$579.41</p>	<p>Apt. 53</p> <p>Henri Niewland 2373 King Street East Apt. 53 Hamilton, Ontario L8K 1X9</p> <p>One-Bedroom/\$579.41</p>
<p>Apt. 45</p> <p>Brenda Dwyer 2373 King Street East Apt. 45 Hamilton, Ontario L8K 1X9</p> <p>One-Bedroom/\$579.41</p>	<p>Apt. 54</p> <p>Joe Chabot and Tara Diamond 2373 King Street East Apt. 54 Hamilton, Ontario L8K 1X9</p> <p>One-Bedroom/\$579.41</p>
<p>Apt. 46</p> <p>Claudia Knowles 2373 King Street East Apt. 46 Hamilton, Ontario L8K 1X9</p> <p>One-Bedroom/\$579.41</p>	<p>Apt. 55</p> <p>Daniel Gunn 2373 King Street East Apt. 55 Hamilton, Ontario L8K 1X9</p> <p>One-Bedroom/\$579.41</p>
<p>Apt. 47</p> <p>John Uveges 2373 King Street East Apt. 47 Hamilton, Ontario L8K 1X9</p> <p>One-Bedroom/\$579.41</p>	<p>Apt. 56</p> <p>VACANT 2373 King Street East Apt. 56 Hamilton, Ontario L8K 1X9</p> <p>One-Bedroom/\$579.41</p>
<p>Apt. 48</p> <p>Igor Hode and Roman Kezman 2373 King Street East Apt. 48 Hamilton, Ontario L8K 1X9</p> <p>One-Bedroom/\$579.41</p>	<p>Apt. 57</p> <p>Allan Patterson 2373 King Street East Apt. 57 Hamilton, Ontario L8K 1X9</p> <p>One-Bedroom/\$579.41</p>
<p>Apt. 51</p> <p>Mildred Hill 2373 King Street East Apt. 51 Hamilton, Ontario L8K 1X9</p> <p>One-Bedroom/\$579.41</p>	<p>Apt. 58</p> <p>Ken Weddell 2373 King Street East Apt. 58 Hamilton, Ontario L8K 1X9</p> <p>One-Bedroom/\$579.41</p>
<p>Apt. 52</p> <p>Anthony Cerovac 2373 King Street East Apt. 52 Hamilton, Ontario L8K 1X9</p> <p>One-Bedroom/\$579.41</p>	

1995 May 30

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 - i) \$4,000.00 or 5.0 percent of the appraised dollar value of the Unit, whichever is greater; and,
 - ii) 25.0 percent of the total rental payments made by the Tenant in the preceding 12-month period prior to date the Agreement of Purchase and Sale is executed between the Tenant and the Owner.

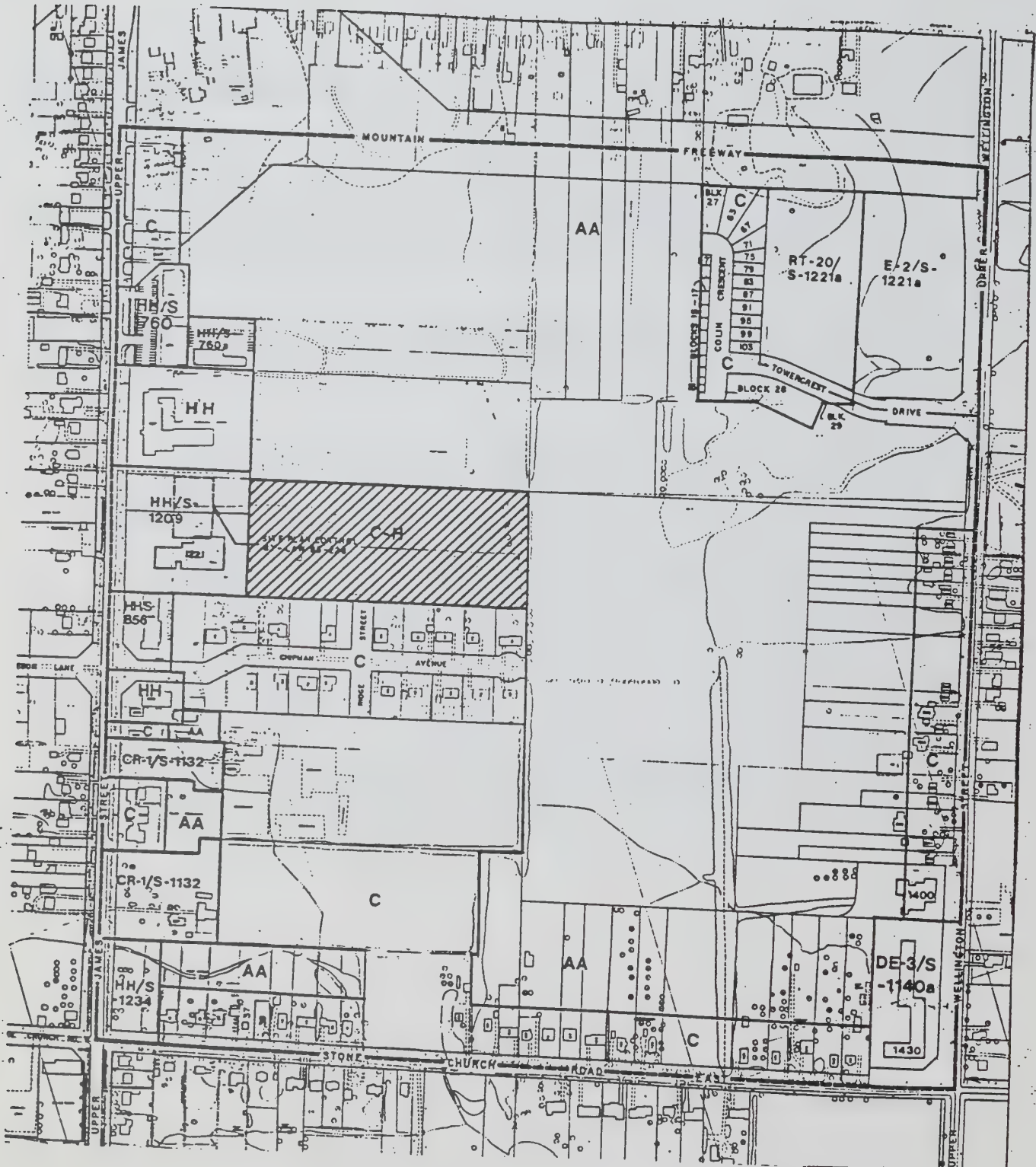
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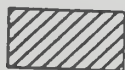
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1995 May 30

Appendix "L" as referred to in
Section 6 of the Fourteenth Report
of the Planning and Development
Committee for 1995

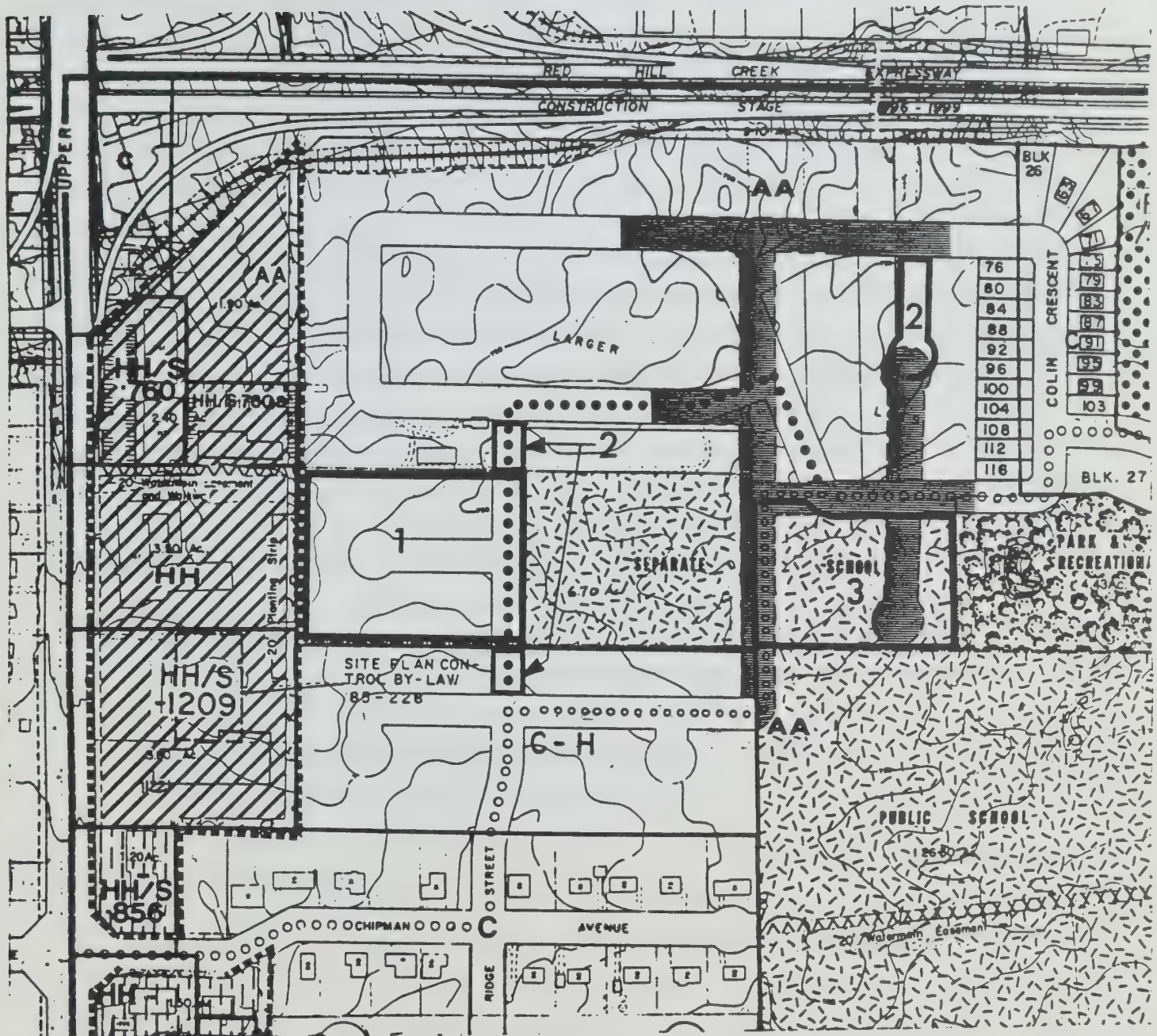


Legend





Site of the Application





PROPOSED CHANGES

- 1** Redesignate from "single & double" to "Civic & Institutional" and delete road pattern
- 2** Delete proposed road
- 3** Redesignate from "Civic & Institutional" to "single & double" and add proposed road pattern
-  Proposed road pattern
-  Delete proposed bikeway route

1995 May 30

REASONS FOR DESIGNATION

207, 211, 213, 215 Ferguson Avenue South

Context

207, 211, 213, 215 Ferguson Avenue South make up four units of the five-unit rowhouse built in 1886-7, just north of Charlton Avenue East. Situated in the historic Corktown neighbourhood, this brick terrace overlooking the grounds of Queen Victoria Public School is an integral component of a continuous streetscape of late 19th and early 20th century buildings extending from the base of the escarpment along the east side of Ferguson to Forest Avenue and westward along Forest to Walnut Street. Directly south of Charlton stands the *designated* High Victorian brick rowhouse at 219-227 Ferguson Avenue, and the former high level pumping station built in 1912. The open space opposite #207-215 was once occupied by a row of modest frame and brick dwellings, demolished when the new public school was built in 1963. To the rear of the terrace is a low-rise housing development, built recently on an industrial site formerly occupied by the Armstrong Cartage Company.

With the building of the Hamilton-Lake Erie Railroad in the 1870s, Ferguson Avenue became the city's major north-south railway corridor. Present-day Ferguson Avenue, now that the tracks have been removed, has the potential to be one of Hamilton's most important mountain-to-bay linkages for both vehicular and pedestrian traffic. The historic buildings along Ferguson Avenue take on additional significance due to their location on this major north-south corridor.

Architecture

One record of Hamilton's rapid growth in the latter part of the 19th century is the proliferation of brick rowhousing which appeared in downtown neighbourhoods at this time. Typical of the more modest vernacular terraces erected in the 1880s and 1890s, 207-215 Ferguson Avenue South is one of relatively few surviving examples of this type in the Corktown neighbourhood, notable for its finely crafted wood detailing. Each unit features parapet end or dividing walls with built-in chimneys, two off-centred

upper windows, and a single bay window with the hexagonal form characteristic of 1880s rowhousing. Its long front facade, stepped slightly to accommodate the gently sloping site, is dominated by the five large bay windows, originally all featuring sash windows, colonnettes, and bracketed eaves. The exposed brick masonry of units #207 and #213 reveal the original segmental arches over the front doorway and second-storey windows, accentuated by contrasting brick key and corner stones. In their original form, the doorways were noteworthy for their arched transom lights and wood lintels embellished with rope moulding and fretwork (restored at #213). Beneath the soffits were decorative dentil bands (intact on only two units). Minor alterations have to some extent undermined the architectural integrity of the row as a whole: painting of the brick masonry, parging of parapet walls, replacement of original doors and windows, and removal or covering of decorative wood elements, but these changes are for the most part reversible.

History

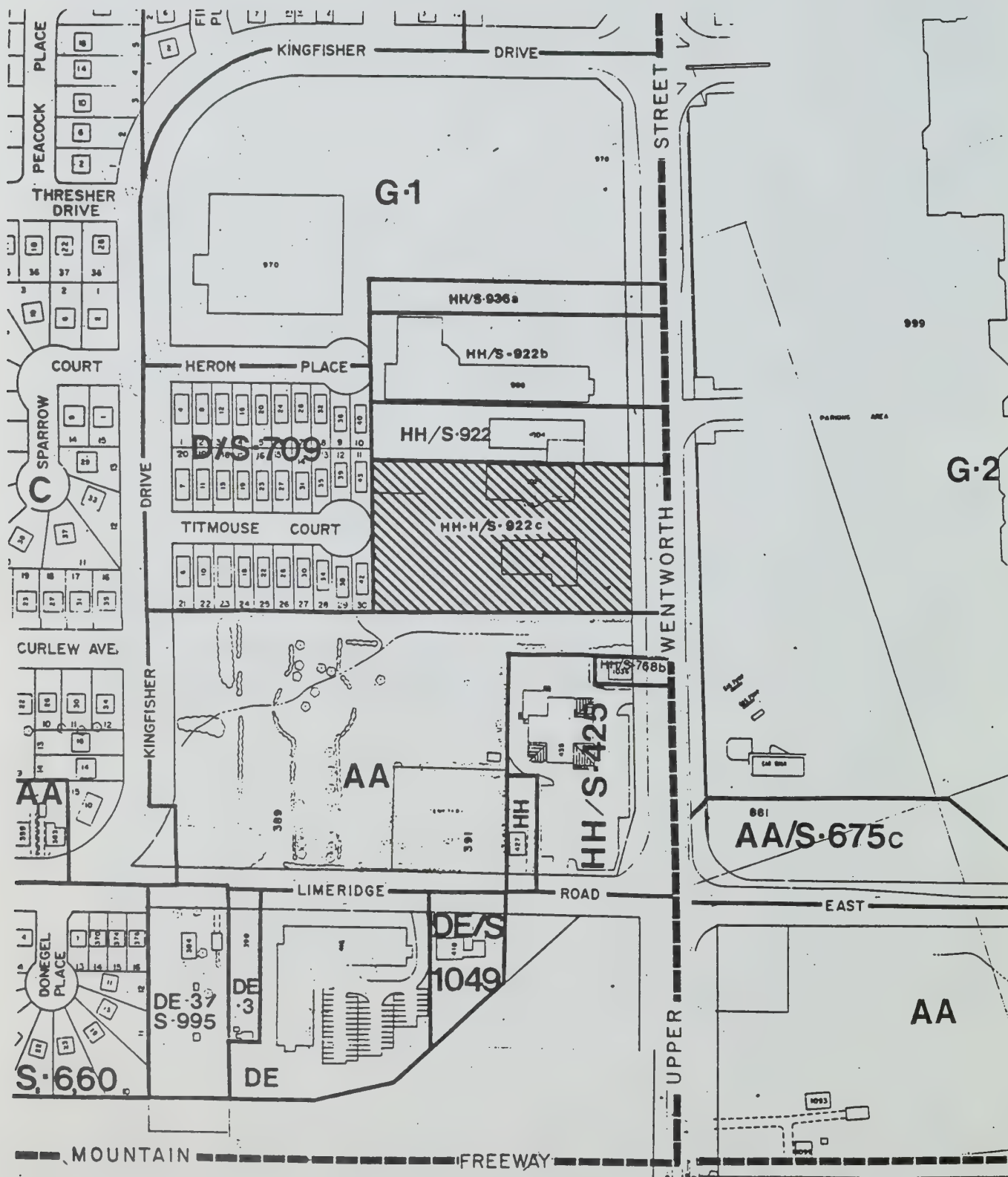
Built as an investment property for Margaret McIntyre, the end unit at #207 was initially occupied by John McIntyre from 1887-9. Following Margaret's death, the rowhouse was sold by the executors of her estate in 1919. It then changed hands three more times before being subdivided and sold as five separate units between 1920 and 1921.

Designated Features

Important to the preservation of 207, 211, 213, 215 Ferguson Avenue South are the original features of the west (front), south (#215), and north (#207) facades, including the roof and parapet walls, the doorways and window openings (excluding any modern replacement windows and all five doors), the bay windows, and any surviving original wood trim. Excluded is the added verandah at #215.

1995 May 30

Appendix "0" as referred to in
Section 13 of the Fourteenth Report
of the Planning and Development
Committee for 1995



Legend



Site of the Application

REPORT OF THE FINANCE AND ADMINISTRATION COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Finance and Administration Committee presents its **FIFTEENTH** Report for 1995 and respectfully recommends:

1. That a purchase order be issued to R.C.M. Contracting Ltd., Hamilton, to supply various maintenance services as and when required by the Real Estate Division of the Property Department and the Building Department during 1995, 1996 and 1997, being the lowest acceptable of the twelve (12) tenders received in accordance with the specifications issued by the Manager of Purchasing and Vendor's tender, and be financed through the Building Department's Property Standards Account No. CH 15411 00001, and the Property Department's Building Repairs - Civic Properties Account No. CH 57301 31106.

Hourly Rate One Person	\$30.
Hourly Rate Two People	\$37.
Hourly Rate Three People	\$44.
Hourly Rate for Rubber Tire	
Backhoe with Operator	\$40.
2.
 - (a) That the City of Hamilton provide up to \$20,000. for the celebration of Country Music Artists, industry representatives and visitors to Hamilton from 1995 September 15 - 18; and,
 - (b) That this expenditure be charged to Account No. CH 55314 84010 - Special Civic Receptions and Delegation Hostings.
3. That a purchase order be issued to Guymark Mister Stationer, Kitchener, to supply and deliver office supplies to various departments for a period of one (1) 12-month term with an option in favour of the City to renew for two (2) 12-month terms, being the lowest of four proposals received, in accordance with a Request for Proposal issued by the Purchasing Department and Vendors Proposal, and be financed through various approved Office Supplies Accounts.

4.
 - (a) That the City of Hamilton increase the interest free loan provided to the Hamilton Firefighters Drum Corps Inc. to be used towards the cost of building a practice facility on the Dartnall Road property, which is leased from the City for 25 years, from a maximum loan of \$300,000. to a maximum loan of \$400,000.; and,
 - (b) That this increased loan be financed from the Reserve for Contingency Centre Number CH 00115 and all repayments are to be credited to this same reserve; and,
 - (c) That the loan repayment period stipulating payments of a minimum of \$10,700. quarterly be extended from twenty-eight (28) consecutive quarters or seven (7) years) to thirty-eight (38) consecutive quarters or approximately ten (10) years; and,
 - (d) That the City Solicitor be authorized and directed to prepare an amending agreement to the original 25 year lease agreement, between the City and the Hamilton Firefighters Drum Corps Inc., incorporating the amendments stated in (a) and (c) above.
5.
 - (a) That the City resolve Small Claims Court Action No. 4750/93 by the payment to the Plaintiff, Bonnie Randall, of the sum of \$500. inclusive of all claims for damages, interest and costs; and,
 - (b) That the City resolve Small Claims Court Action No. 1965/94 by the payment to the Plaintiff, Donna Scott, of the sum of \$500 inclusive of all claims for damages, interest and costs; and,
 - (c) That the Plaintiffs, Bonnie Randall and Donna Scott, be require to execute Full and Final Releases in a form satisfactory to the City Solicitor; and,
 - (d) That Small Claims Court Action 4750/93 and Small Claims Court Action 1965/94 be dismissed as against the City without costs; and,
 - (e) That Third Party Actions in Small Claims Court Action 4750/93 and Small Claims Court Action 1965/94 between the City and The Regional Municipality of Hamilton-Wentworth be dismissed without costs.
6. That the City resolve Ontario Court (General Division) Action No. 38313/92 by consenting to the dismissal of the Action and all Cross-Claims, by and against the City, without costs.

7. That outstanding business taxes in the amount of \$435,151.49 be written-off in accordance with Section 441 of the Municipal Act, R.S.O. 1990, and charged to Account CH 53401 24106, Tax Write-Offs.
8. That a purchase order be issued to McKenzie Tire Inc., Hamilton, and Beverly Tire Service Ltd., Hamilton, for the Supply of Tires and Tire Maintenance Service for 1995, with an option to renew for three (3) additional two (2) year terms, expiring December 31, 2002, being the lowest total acquisition cost in accordance with the specifications issued by the Purchasing Division, and be financed through the Fleet Services, City Garage Tires and Tubes Account No. CH56701 27005.
9. (a) That the City of Hamilton's \$650,000. financial support for the Ontario Workers Arts and Heritage Centre Inc., ("Centre Inc."), at the historic Custom House, 51 Stuart Street, be provided by means of a Funding Agreement to be entered into by the City with the Ontario Workers Arts and Heritage Centre Inc., in a form and substance satisfactory to the City Solicitor, to provide a \$650,000. conditional capital grant secured by a first mortgage on the property, upon the following terms and conditions:
 - (i) City grant shall be advanced in instalments over two years at the times listed below to be applied towards the Centre's annual operating expenses including staff salaries, benefits, utilities, property taxes, insurance & legal expenses of mortgage to City, which expenses are generally outlined below:

Centre Inc. Allocation

Grant Payments Schedule

Building
 Renovation: \$200,000.
 Salaries: \$120,000.
 Programming: \$ 40,000.
 Programming
 Equipment: \$ 40,000.

May 1995: \$100,000.
 September 1995: \$200,000.
 January 1996: \$100,000.

1995 Expenses: \$400,000.

Salaries: \$120,000.
 Programming: \$ 50,000.
 Programming
 Equipment: \$ 80,000.

May 1996: \$150,000.
 September 1996: \$100,000.

1996 Expenses \$250,000.

Total \$650,000.

Total City Grant ~~\$650,000.~~

- (ii) City grant is also conditional upon Centre Inc.,
 - (1) opening the Custom House for public use with its programs on or before 1997 May;
 - (2) remaining continuously in full operation at the Custom House for a minimum period of five years, namely until 2002 May 31, at which time the mortgage security in favour of the City would be discharged; and
 - (3) using the City grant only for Centre Inc.'s operational expenses in Hamilton at the Custom House.
- (iii) In the event that the Centre at any time prior to 2002 May 31 ceases to function, including ceasing to remain in operation at the Custom House for more than eight consecutive weeks, or there is default with the other loan conditions referred to herein, in the mortgage or in the Funding Agreement (authorized below), the conditional grant would immediately be repayable in full to the City (without interest). If repayment were not received, the City may enforce the mortgage or exercise its rights at law to recover the funds, including legal action, power of sale or foreclosure of the property;
- (iv) Centre Inc. shall provide audited financial statements of its organization (including operation of the Custom House) to the City not less than annually and as may be further required from time to time by the City Treasurer;
- (v) no advances of the City grant shall be made unless Custom House real property taxes, Hamilton Hydro and Regional water accounts are in good standing, no liens or executions affect the property or Centre Inc. and there is no default by Centre Inc. in compliance with the grant terms;
- (vi) default under Centre Inc.'s mortgage of the Custom House to the City shall be deemed to occur upon any default of Centre Inc. in complying with the grant terms, including, but not limited to, the following:
 - (1) if, in the opinion of the City, Centre Inc. ceases for more than eight weeks to keep the Custom House staffed and, after its 1997 May opening, open to fulfil its objectives;
 - (2) use of City grant money for any non permitted purpose;
 - (3) if Centre Inc. sells, agrees to sell, leases or licenses the Custom House to any other person;

- (4) default in compliance with the Heritage designation By-law, the registered Heritage Easement with the Province or the Heritage Act, any other agreement with the City, or any by-law of the City;
 - (5) default in compliance with any of its grant terms with the Province of Ontario;
 - (6) failure to pay and keep in good standing all real property tax amounts, hydro and water accounts, property and public liability insurance, (as required by the City), during the five year term of this repayable grant; and
 - (7) non compliance with Standard Mortgage/Charge Terms No. 911; and
 - (b) That Centre Inc. be required to enter into a Funding Agreement with the City to record and confirm the terms of the City's repayable conditional grant, including the conditions expressly referred to in this resolution and that the Mayor and City Clerk be authorized to execute the said Funding Agreement in a form satisfactory to the City Solicitor and the City Treasurer; and
 - (c) That Centre Inc. acknowledge that the City, by making this \$650,000. seed money grant, makes no representation that any other grant or loan to Centre Inc. may also be approved by the City during or after this \$650,000. repayable grant; and
 - (d) That Centre Inc.'s lawyers (who have acted for Centre Inc. in its purchase of Custom House with the provincial grant), also be required to prepare, register and certify to the City the said required mortgage security in a form satisfactory to the City Solicitor. Such mortgage shall be an interest free mortgage for a term expiring on 2002 May 31; and
 - (e) That this grant be charged to Account Centre No. CF 259555018.
10. (a) That the 1994 Financial Report be received by City Council for information purposes; and,
- (b) That the City Treasurer arrange to publish on one occasion the required 1994 financial information, based on the audited report, in The Hamilton Spectator as soon as possible, but in any event, within sixty days of receiving the audited statements and in accordance with regulations of the Ministry of Municipal Affairs.

11. (a) That approval be given to the United Way of Burlington, Hamilton-Wentworth to use the Second Floor Foyer on Thursday, 1995 June 8 between the hours of 7:00 o'clock p.m. to 10:30 o'clock p.m. for a cocktail reception in honour of the United Way Centraide Canada Leadership Conference; and,

(b) That the City Clerk be granted authority to approve similar use in future years, provided it does not interfere with any other activity.
12. That approval be given to the actions taken by the City Clerk in authorizing The Kinsmen Club of Hamilton to sell hot dogs and pop on Friday 1995 May 12 in conjunction with "Raise the Flag Day" celebrations.
13. That approval be given to The Canadian Club of Hamilton to use the Second Floor Foyer (West End) for a display promoting The Canadian Club from Thursday, 1995 June 1 until Monday 1995 July 31.
14. That approval be given to the Hamilton Advisory Committee for the G7 Environment Ministers Summit to exhibit a "Sustainable Community Display" on the Second Floor Foyer from Friday 1995 June 16 until Friday 1995 June 30.
15. That the Mayor, Chairman of the Finance and Administration Committee, and five (5) Aldermen be authorized to attend the 1995 Annual Conference of the Association of Municipalities of Ontario being held 1995 August 20 - 23 in Toronto, Ontario.
16. (a) That approval be given to the action taken by the City Clerk in authorizing the Regional Advisory Committee for Persons with Physical Disabilities to use the Second Floor Foyer (west end) on Tuesday, 1995 May 23 and Wednesday, 1995 May 24 between the hours of 8:30 o'clock a.m. until 5:00 o'clock p.m. for a display and obstacle course to kick off "Access Awareness Week"; and,

(b) That the City Clerk be granted authority to approve similar use in future years, provided it does not interfere with any other activity.
17. (a) That approval be given to the City of Hamilton Traffic Department to use the Council Chambers on Thursday, 1995 June 15 between the hours of 7:00 o'clock p.m. and 9:30 o'clock p.m. for the Annual Awards Presentation to the School Crossing Guards; and,

(b) That approval be given to the Traffic Department to use the Second Floor Foyer for a reception immediately following the ceremony; and,

- (c) That the City Clerk be granted authority to approve similar use in future years, provided it does not interfere with any other activity.
18. (a) That the firm of MacGillivray Partners, Chartered Accountants be continued as municipal auditor for the City of Hamilton, including its Local Boards, Hamilton Entertainment and Convention Facilities Inc., Hamilton Hydro Electric System and all of the Boards of Management for the Business Improvement Areas within the City of Hamilton for the year 1995 at a fee of \$99,000 including completion of the audit of the City's Financial Report.
- (b) That the by-law respecting "To Appoint An External Auditor" be approved by City Council.
19. (a) That the City be authorized to enter into Extension Agreements, if required, in a form satisfactory to the City Solicitor and the City Treasurer pursuant to Section 8 of the Municipal Tax Sales Act, with the owners of the following properties to extend the time open for payment of realty tax arrears in accordance with the policy for extension agreements approved by City Council on 1994 June 28:
- | | |
|---------------|--------------|
| 33 Biggar | 129 Birge |
| 172 Sanford S | 6 Olmstead |
| 12 Ray S | 48 Haddon N |
| 843 King E | 215 Nappier |
| 71 Horning | 171 Herkimer |
| 124 Walnut S | 55 Mary |
| 147 Elgin | |
- (b) That the by-law to authorize the said Extension Agreements be enacted by City Council; and,
- (c) That the Mayor and City Clerk be authorized to execute the aforesaid by-law and extension agreements.
20. That the City Solicitor be authorized to prepare an appropriate By-Law to construct an independent concrete sidewalk on the south side of Rymal Road from Upper James Street to Springside Drive and on the north side of Rymal Road from Upper James Street to approximately 226 m easterly under the Local Improvement Act at an estimated cost of \$102,500. with the City's share of \$25,820.30 to be financed from the 1995 Capital Levy (Account Centre No. CH 22002) and the balance of \$76,679.70 being the owner's share to be financed by the issuance of debentures for a period not to exceed 20 years. It is further recommended that application be made to the Regional Municipality of Hamilton-Wentworth to issue debentures in the amount of \$76,679.70 for a term not to exceed 20 years for the above project.

21. That the upset cost limit of \$18,100. estimated to be the cost of electronic push button security access to the dock and washroom areas at Scott-Macdonald Marine as part of the lease relating to the walkway linkage connecting Pier 4 and Harbourfront Parks be financed in part from the lease revenue of \$14,400 and the balance of the upset limit totalling \$3,700. as an overdraft of the Civic Properties Rented Centre #CH 31106.
22. That approval be given to issue a Purchase Order to Burns International Security Services Limited of Hamilton, Ontario for security guard services at Hamilton City Hall for 1995, 1996, and 1997 in the amount \$9.70, \$9.86 and \$10.04 per hour respectively, and at the City's option, to extend these services by two additional terms of three years each at a price to be negotiated, this being the lowest tender received in accordance with the specifications issued by the Manager of Purchasing, 1995 March 30, Ref. C19-12-95.
23.
 - (a) That approval be given to issue a purchase order in the amount of \$106,887.65 inclusive of \$6,992.65 GST to commission AM Roofing Inc. of Hamilton for the replacement of the roof at Central Fire Hall being the lowest of seven quotes received in accordance with the specifications issued by the Manager of Purchasing; and,
 - (b) That the Mayor and City Clerk be authorized to execute a contract in a form satisfactory to the City Solicitor.
24. That the listing of Appointments to and Terminations from permanent positions with the Corporation of the City of Hamilton to 1995 May 12, attached herewith and marked Appendix "A", be approved.
25. That the local organizers for the Melanie Carpenter Campaign be permitted to post a petition respecting dangerous offenders, in the first floor lobby of City Hall for signing by the citizens of Hamilton for a one month period with the understanding that a policy on the posting of petitions in City buildings is being drafted for Committee and Council consideration.
26.
 - (a) That a purchase order be issued to Bertozzi Roofing and Sheet Metal Inc. of Hamilton in the amount of \$299,826. plus GST for the re-roofing of a portion of the City Hall roof being the lowest of seven tenders received in accordance with specifications (Ref: C-14-6-95) issued by the Manager of Purchasing; and,
 - (b) That the Mayor and City Clerk be authorized to execute a contract in a form satisfactory to the City Solicitor.

27. That approval be given to issue a purchase order in the amount of \$301,909. plus G.S.T. to Honeywell/Beaver Limited of Hamilton for the maintenance of the Building Automation/Temperature Control Systems in the following buildings from 1995 April 1 to 1995 December 31 (1995 January 1 to 1995 December 31 for Copps Coliseum) while staff develop specifications for the purpose of re-tendering this service:

TEMPERATURE CONTROL/BUILDING AUTOMATION

<u>LOCATION</u>	<u>FEE - 1995 APRIL 15 to 1995 DECEMBER 31</u>
City Hall	\$21,585.
Market/Library	\$25,797.
CUP/Parking Garage	\$53,844.
Convention Centre	\$34,488.
Chedoke Twin Pad	\$13,650.
Hamilton Place	\$14,235.
Copps Coliseum	\$131,740. (1995 January 1 - 1995 December 31)

AIR CONDITIONING EQUIPMENT

Macassa Fire Station	\$ 3,212.
Chedoke Twin Pad	<u>\$ 3,358.</u>
	\$301,909.

28. (a) That approval be given to issue a Purchase Order to Superior Boiler Works & Welding Limited of Hamilton, Ontario in the amount of \$281,795.20 inclusive of G.S.T. (\$18,435.20) to supply and install the necessary labour & materials to complete the Steam to Hot Water Conversion of the heating system at Copps Coliseum, this being the lowest tender received in accordance with the specifications issued by the Manager of Purchasing, 1995 March 10 (Ref: C14-2-95); and
- (b) That authorization be given to the Director of Property to fund the \$281,795.20 from the following accounts:

<u>ACCOUNT</u>	<u>ACCOUNT NAME</u>	<u>AMOUNT</u>
CF319441013	Copps Coliseum - Steam to Hot Water Conversion	\$205,000.
CF319251004	C.U.P. - Various Capital Replacements/Revisions	\$ 482.78
CF319351006	C.U.P. - Various Capital Replacements/Revisions	\$ 1,181.74
CF319451019	C.U.P. - Various Capital Replacements/Revisions	\$ 30,538.14
CF319541002	C.U.P. - Various Capital Replacements/Revisions	<u>\$ 44,592.54</u>
TOTAL		\$281,795.20

- (c) That the Mayor and City Clerk be authorized to execute a contract in a form satisfactory to the City Solicitor.
29. That a Code of Conduct for employees of the Corporation of the City of Hamilton, attached herewith and marked Appendix "B", be approved.
30. That the City Clerk inform the Director, Gaming Control Commission that the City of Hamilton has no objection to the proposal to open a Class "A" Bingo Hall in the Town of Grimsby.
31. (a) (i) That the Chief Administrative Officers for the City of Hamilton and the Region of Hamilton-Wentworth be requested to develop appropriate Terms of Reference to establish levels of service and standards of service for the Financial Transaction Service Provider; and,
- (ii) That the firm of Price-Waterhouse be engaged at a cost not to exceed \$25,000. to assist the Chief Administrative Officers in developing and evaluating the Terms of Reference; and,
- (iii) That the cost of retaining the services of Price-Waterhouse be equally shared between the City of Hamilton and the Region of Hamilton-Wentworth; and,
- (iv) That the Terms of Reference form the basis of a contract between the City of Hamilton and the Region of Hamilton-Wentworth for the provision of the Financial Transaction services; and,
- (b) (i) That the City of Hamilton offer to provide financial transaction services to the Region of Hamilton-Wentworth; and,
- (ii) That the Region of Hamilton-Wentworth be requested to update the details of their information and provide the levels and the service requirements for the City of Hamilton to provide a proposal on providing this service; and,
- (iii) That the Chief Administrative Officers, with the assistance of Price-Waterhouse, report back to the Single Tier Administrative Review Steering Committee in eight (8) weeks time including the provision of bench mark analysis for the financial functions provided by other municipalities.

1995 May 30

32. That the City of Hamilton approve a request from the City of Burlington to reconstruct the LaSalle Park Pavilion in accordance with the lease agreement dated 1993 December 1, provided that all costs of the reconstruction be the sole responsibility of the City of Burlington.
33. That leave be granted to introduce the following Bills:
- (a) D-44 A By-law to authorize an Extension Agreement for Payment of Realty Tax Arrears
 - (b) D-45 A By-law respecting Appointment of an External Auditor
 - (c) D-46 A By-law to Confirm the Proceedings of the Council of The Corporation of the City of Hamilton.

Respectfully submitted,

**ALDERMAN B. CHARTERS, CHAIRMAN
FINANCE AND ADMINISTRATION COMMITTEE**

**Susan K. Reeder
Secretary
1995 May 23**

THE CORPORATION OF THE CITY OF HAMILTON

APPOINTMENTS TO PERMANENT POSITIONS

<u>NAME</u>	<u>STATUS</u>	<u>CLASSIFICATION</u>	<u>DEPARTMENT</u>	<u>REASON HIRED</u>	<u>SALARY SCHEDULE</u>	<u>EFFECTIVE DATE</u>
Ms. Sheila Costanza	I	Junior Payroll Clerk (10F)	Treasury	Replacing Ms. C. Alkema - promoted Jan. 30/95	\$29,602.04 to \$32,175.52	April 24/95
Ms. Sandy Gruba	I	Entertainment Assistant (11)	H.E.C.F.I.	Replacing Ms. A. Nicholson - promoted, April 03/95	\$31,563.48 to \$34,574.28	April 03/95
Mr. Edwin Zvirbulis	I	Catch Basin Equipment Operator (D15)	Public Works	Replacing Mr. C. Manning - promoted, Jan. 16/95	\$36,416.64	April 17/95

Prepared May 12, 1995

Status	
Internal - I	
External - E	

Appendix "A" referred to in Section 24 of the FIFTEENTH Report of the Finance and Administration Committee for 1995.

THE CORPORATION OF THE CITY OF HAMILTON

TERMINATIONS FROM PERMANENT POSITIONS

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>DEPARTMENT</u>	<u>REASON</u>	<u>LENGTH OF SERVICE</u>	<u>EFFECTIVE DATE</u>
Mr. Murray Main	Director Traffic Services	Traffic	Retired (Early)	33 years, 7 months	April 28/95
Mr. James McIssac	Firefighter 1	Fire	Retired (Early)	29 years, 11 months	April 30/95

Prepared May 12, 1995

Glossary of Terms

Terminated - long term disability
 - discharge
 - downsizing
 - redundant

Resigned - personal betterment
 - personal reasons

CODE OF CONDUCT

The City expects every employee to conduct themselves with the highest degree of personal integrity and ethics. No employee should place themselves, or permit themselves to be placed, in a position which would constitute a conflict of interest or breach of trust. Because the City of Hamilton is a municipal corporation, charged with the management of public funds and programs, employees must avoid not only actual conflicts of interest and breaches of trust, but even the appearance of a conflict or breach of trust.

Employees are personally responsible to insure that they do not place themselves in a conflict of interest or breach of trust. As soon as such circumstance arises, or has the potential for arising, the employee must disclose the circumstances to their supervisor. In most cases, prompt and early disclosure will permit the problem to be resolved.

Employees must be aware that permitting themselves to be in a conflict of interest, or breach of trust position, or failure to disclose circumstances with the potential for conflict of interest or breach of trust, will be dealt with seriously by the City. This includes the imposition of discipline on the employee, up to, and including, termination of the employee.

Conflicts of interest, and breaches of trust, may take many forms. It is impossible to list them all. What follows is a list of some of the more obvious examples:

Employees shall not, during the course of their conduct of their employment duties knowingly violate, or permit the violation of, or fail to report the violation of, any federal or provincial statute or regulation, or any City or Regional by-law.

Employees shall not, personally or through companies in which they are involved, bid on City contracts for the supply of goods or services.

Employees shall not, personally or through companies in which they are involved, work on City contracts, for the supply of goods or services, other than in their capacity with the City.

Employees shall not, approve any license, permit, contract, agreement or other document on behalf of the City, for any business in which they are personally involved, or in which their spouse (including common law and same sex), or any relative (including child, parent, foster or adopted parent, grandparent, grandchild, brother or sister, son-in-law, daughter-in-law, brother-in-law or sister in law) is involved.

Employees shall not, accept any gift, benefit, money, discount, favours or other assistance, from any business which has a contract with the City to supply goods or services, unless the gift, benefit, money, discount, favour or assistance is one which, due to the nature of the business, is available to all members of the public.

Employees shall not, accept any gift, benefit, money, discount, favours or other assistance, from any business which requires from the City any license, permit, contract, agreement or other approval in the conduct of its business, unless the gift, benefit, money, discount, favour or assistance is one which, due to the nature of the business, is available to all members of the public.

In accordance with existing City Policies, this does not prohibit employees from receiving promotional "gifts" or "benefits" of nominal value. It is recognized that in the ordinary course of business a company may distribute gifts of nominal value for promotional purposes (for example coffee mugs with the company logo, or letter openers with the product name on them). It is also recognized that in the ordinary course of business dealing with suppliers or contractors it may be appropriate for them to pay for an employee's lunch. Receipt of such a "gift" or "benefit" in the course of business will not be considered to be a breach of these rules.

Employees shall not, personally make any decision to hire, or engage, any spouse or relative for any employment with the City whether temporary, full-time, part-time or seasonal.

Employees shall not, influence or attempt to influence, any other City employee to hire, or engage, any spouse or relative for any employment with the City whether temporary, full-time, part-time or seasonal.

Employees shall not, permit themselves to be placed in supervision over another City employee who is a spouse or relative, without disclosing the nature of the relationship to their supervisor.

Employees shall not, engage in any behaviour or conduct which may be seen to be an attempt to gain, through their position as a City employee, or through their knowledge or contacts gained as a City employee, any personal advantage, advancement, favour, influence, benefit, discount or other interest, for themselves, their spouses their relatives or friends.

Employees shall not, engage in any conduct or business practice which might bring the reputation of the Corporation of the City of Hamilton into ill-repute or damage or diminish the reputation of the Corporation of the City of Hamilton in the eyes of members of the community.

Employees shall not disclose confidential information concerning the property, government, or affairs of the Corporation or use such information to advance his/her interests or the interests of a spouse or relative.

No employee disclosing confidential information concerning the property, government, or affairs of the City shall be in contravention of this Policy if that disclosure concerns wrongdoing on the part of the City, its Council Members, officers, employees, agents, or contractors, and can be shown to have been in the public interest.

Employees who have reason to believe this Code of Conduct has been breached are encouraged to bring their concerns to the attention of the Chief Administrative Officer. No adverse action shall be taken against any employee, who, acting in good faith brings forward such information.

Caution is always the best guide to behaviour in this area. Employees are encouraged to discuss any circumstance about which they have the least doubts with their supervisor or department head.

1995 May 30

REPORT OF THE NOMINATING COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Nominating Committee presents its **FOURTH** Report for 1995 and respectfully recommends:

1. That Alderman _____ be appointed Chairman of the Parks and Recreation Committee effective 1995 June 1.
2. That Alderman _____ be appointed Chairman of the Committee of the Whole for the period of June, July and August 1995.

RESPECTFULLY SUBMITTED

**MAYOR R. M. MORROW
CHAIRMAN,
NOMINATING COMMITTEE**

J.J. Schatz, Secretary
1995 May 30

**MEETING OF THE COUNCIL
OF THE CORPORATION OF THE CITY OF HAMILTON**

**TUESDAY, 1995 MAY 30
7:30 O'CLOCK P.M.
COUNCIL CHAMBER, CITY HALL**

B I L L S

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAWNO. 95-

**TO INCORPORATE CITY LAND
DESIGNATED AS PART 1, PLAN 62R-11382
INTO BOLZANO DRIVE**

WHEREAS the Council of The Corporation of the City of Hamilton is empowered under Section 297(1) of The Municipal Act, R.S.O. 1990, Chapter M.45 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the Council of The Corporation of the City of Hamilton deems it necessary to incorporate a portion of the highway known as Bolzano Drive within its limits, the land described below;

AND WHEREAS the said land is owned by The Corporation of the City of Hamilton.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The following land is hereby established and laid out as a public highway to form part of Bolzano Drive.

Part of Lots 7 and 8, Concession 8, in the geographic township of Barton, designated as Part 1, Plan 62R-11382.

City of Hamilton

Regional Municipality of Hamilton-Wentworth

2. The Commissioner of Transportation/Environmental Services or his duly authorized agent is hereby authorized to open as public highway the said land.

3. This by-law comes into force and takes effect on the date of its registration in the Land Registry Office (No. 62).

PASSED this

day of

A.D. 1995

City Clerk

Mayor

**TO INCORPORATE CITY LAND DESIGNATED AS
BLOCKS 19 & 20, PLAN 62M-643
INTO CELLINI AVENUE**

AND WHEREAS the Council of The Corporation of the City of Hamilton deems it necessary to incorporate a portion of the highway known as Cellini Avenue within its limits, the land described below;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

- Regional Municipality of Hamilton-Wentworth

3. This by-law comes into force and takes effect on the date of its registration in the Land Registry Office (No. 62).

PASSED this day of A.D. 1995

Mayor

BY-LAW NO. 95 -

TO AMEND BY-LAW NO. 89-72 TO REGULATE TRAFFIC

THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON ENACTS AS FOLLOWS:

TRAFFIC

1. **Schedule 26 (No Parking Areas)** of By-law 89-72 To Regulate Traffic passed on the 28th day of February 1989 is hereby amended by adding thereto the following items, namely:-

"Rutledge	East	from a point 195 feet north of Independence to a point 106 feet northerly therefrom	Anytime
Spring	East	from a point 124 feet north of Jackson to a point 24 feet northerly therefrom	Anytime".

and by deleting therefrom the following item, namely:-

"Rutledge	East	from a point 128 feet north of Independence to a point 156 feet northerly therefrom	Anytime".
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2. **Schedule 34 (Sticker Permit Parking)** is hereby amended by adding thereto the following items, namely:-

"Paling	West	commencing at a point 117 feet north of Vansitmart to a point 23 feet northerly therefrom	Anytime
Grosvenor	West	commencing at a point 392 feet south of Barton to a point 24 feet southerly therefrom	Anytime
Grosvenor	East	commencing at a point 389 feet south of Barton to a point 29 feet southerly therefrom	Anytime
East Bend	West	commencing at a point 44 feet south of Cannon to a point 21 feet southerly therefrom	Anytime
Colbourne	South	MacNab to Severn	Anytime".

and by deleting therefrom the following item, namely:-

"Colbourne	South	Severn to a point 94 feet east of MacNab	Anytime".
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3. **Schedule 25 (Parking Time Limits)** is hereby amended by deleting therefrom the following item, namely:-

"Colbourne	South	MacNab to 94 feet east	1 hr	8 am - 6 pm	Mon - Sat".
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4. **Schedule 27 (Alternate Side Parking)** is hereby amended by adding thereto the following items,
namely:-

"Kings Forest West
from a point 68 feet north of
Nova to a point 20 feet northerly therefrom

Kings Forest East".
Nova to 92 feet north

PASSED this day of A.D. 1995.

CITY CLERK

MAYOR

BY-LAW NO. 95 -

TO AMEND BY-LAW NO. 89-72 TO REGULATE TRAFFIC

THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON ENACTS AS FOLLOWS:

TRAFFIC

1. **Schedule 29 (No Stopping Areas)** of By-law 89-72 To Regulate Traffic passed on the 28th day of February 1989 is hereby amended by adding thereto the following item, namely:-

"Acadia East Cartier to 703 feet south 7 am - 6 pm Mon to Fri".

2. **Schedule 19 (No U Turn at Certain Intersections)** is hereby amended by adding thereto the following item, namely:-

"Acadia Northbound and Southbound Cartier".

PASSED this day of A.D. 1995.

CITY CLERK

MAYOR

The Corporation of the City of Hamilton

BY-LAW NO. 95-

To Authorize

THE CEMETERIES OPERATION BY-LAW

WHEREAS Section 50 of the Cemeteries Act (Revised), R.S.O. 1990, Chapter C.4 authorizes the owner of a cemetery to enact a by-law for the operation of a cemetery;

AND WHEREAS The Corporation of the City of Hamilton owns and operates several cemeteries;

AND WHEREAS the Council of The Corporation of the City of Hamilton in adopting the Item 4 of the 1st Report of the Parks and Recreation Committee at its meeting held on December 13, 1994 authorized this By-law;

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

Preface:

This By-law governs the following cemeteries:

Hamilton Cemetery	Stoney Creek Cemetery
Woodland Cemetery	Trinity Cemetery
Eastlawn Cemetery	St. Peter's Cemetery
Burkholder Cemetery	Bartonville Cemetery
Mt. Hamilton Cemetery	Barton Stone Cemetery
Smith's Cemetery	St. George's Cemetery
Binkley Cemetery	Ryckman's Cemetery
Mansion of Memories Mausoleum	

And any Cemetery which may in the future become the responsibility of the City of Hamilton.

The Council of the Corporation of the City of Hamilton in the discharge of their responsibilities, appeal to the public to aid them by following these by-laws, which have been adopted for the improvement and upkeep of the cemetery, to keep it a becoming and respectful place for the burial of the dead.

The above mentioned Cemeteries are licensed to act as cemeteries in accord with the Cemeteries Act, R.S.O., 1990.

These By-laws are adopted for the mutual protection of the Interment Rights Holders, the staff, the general public and the City of Hamilton.

All Interment Rights Holders, visitors, cemetery employees, person working directly or indirectly for Interment Rights Holders and all graves or lots shall be subject to these rules and regulations as well as amendments or alterations as shall be adopted by the City of Hamilton.

It is our hope that by a co-operative effort we can keep the Cemeteries attractive and peaceful.

A) Administration

- | | |
|-----------------|--|
| Ownership | 1. The Corporation of the City of Hamilton reserves full and complete control and management of all assets of the Corporation including but without limiting the generality of the foregoing: land, buildings, plantings, roads, utilities, books and records of the cemetery and complete authority to administer these by-laws. |
| Manager's power | 2. The Manager shall have custody of the Cemetery under the direction of the Corporation. No interment or removal of bodies shall take place without notice to the Manager, who shall see that a proper Burial Permit or other certificate required by law is furnished in each instance. |
| Disclaimer | 3. The Corporation expressly disclaims all responsibility for loss or damage from causes beyond their control and especially from damage caused by the elements, and acts of God, common enemy, thieves, vandals, strikers, malicious mischief makers, explosions, accidents, invasion, insurrections, riots, or order of any military or civil authority, whether damage be direct or collateral. |

Precaution to protect	4. The Corporation shall take reasonable precautions to protect the property of Interment to protect Rights Holders but it assumes no liability or responsibility for the loss of or damage to any article of any type that is placed on any lot or grave.
Ownership	5. All Cemeteries listed above are owned and operated by the City of Hamilton.
Reporting Structure	6. Hamilton Municipal Cemeteries is a division of the Public Works Department and reports to the Parks and Recreation Committee through the Director of Public Works, herein after called the Cemeteries.
Manager's Authority	7. The Manager of Cemeteries or his representative shall uphold the provisions of the By-laws Duties and the Cemeteries Act. The manager has the authority to make final and binding decisions based on the By-laws. Appeals to the Manager's decision can be made to the Director of Public Works.
Duties	8. Duties of Hamilton Municipal Cemeteries: <ul style="list-style-type: none"> a) To manage and maintain all cemeteries under its jurisdiction b) To uphold the provision of the Cemetery Act. c) To uphold the provision of the Cemetery By-laws.
Rights	9. Hamilton Municipal Cemeteries have the right to enlarge, reduce, replot, and/or change the boundaries or grade of the cemeteries.
Discrimination	10. All decisions made by the City and the Cemeteries shall be made without regard to race, creed, colour, national origin, sex, marital status, religion, ancestry, mental or physical handicap or age.
Notice	11. All notices required by any By-law or regulation to be given to any Interment Rights Holder may be given personally, or may be mailed to the last known post office address of such Rights Holder or his legal personal representatives, and proof that such notice was so mailed shall be good and proof that such notice was given.
Headings	12. The headings and marginal notes are not part of the By-laws and are intended only for the assistance of the reader and are not binding.

B) Definitions

1. "Cemetery" means land set aside to be used for the interment of human remains and this includes Mausoleum, Colombarium or any other structure intended for the interment of human remains.
2. "Ministry" means the Ministry of Consumer and Commercial Relations for the Province Ontario.
3. "Corporation" means the Corporation of the City of Hamilton.
4. "Council" means the Hamilton City Council.
5. "Treasurer" means the Treasurer of the City of Hamilton.
6. "Bylaw" when used in relation to a cemetery, means the rules under which a cemetery is operated.
7. "Manager" means the Manager of Hamilton Municipal Cemeteries as appointed by Council.
8. "Grave" means an area of land in a cemetery containing, or set aside to contain, human remains and includes a tomb, crypt or compartment in a mausoleum and a niche or compartment in a columbarium.
9. "Adult Grave" means any burial space intended for an adult, and having a minimum size of approximately 0.91 meters (3 feet) by 2.74 meters (9 feet).
10. "Children's Grave" means any burial space of 0.91 meters (3 feet) by 1.83 meters (6 feet).
11. "Infant Grave" means any burial space intended for an infant, and having a minimum size of 45.72cm (18 inches) by 0.91 meters (3 feet).
12. "Cremation Grave" means any burial space intended to receive not more than 2 (two) cremated remains and having a minimum size of 45.72cm (18 inches) by 1.22 meters (4 feet).

13. "Interment Rights" includes the right to require or direct the interment of human remains in a lot, grave etc..
14. "Interment Rights Holder" means a person with Interment Rights with respect to a lot or grave and includes a purchaser of Interment Rights under the Cemeteries Act, being chapter C.3 of the Revised Statutes of Ontario, 1990, or a predecessor of that Act.
15. "Plan" means the plan of the cemetery, approved by the Ministry of Consumer and Commercial Relations for Ontario.
16. "Lot" means two or more graves in which the rights to inter have been sold as a unit.
17. "Register" means electronic, or written records of the Cemeteries, kept in accordance with the Cemeteries Act.
18. "Certificate of Interment Rights" means the certificate issued by the Corporation to the purchaser of Interment Rights in either a lot, grave or niche.
19. "Care and Maintenance Fund" means the trust fund in which all monies received by the Corporation for the care and maintenance of lots, graves, markers and monuments have been invested.
20. "Trust funds" means those funds in which a trustee may invest, which are defined in the "Trustee Act", R.S.O. 1990, CH. T. 23
21. "Monument" means any permanent memorial projecting above the ground level and situated on a base.
22. "Marker" means any memorial of Granite or bronze on a granite base, set flush with the surface of the ground, and used to mark the location of a lot or grave. A marker also may mean an ornament affixed to or intended to be affixed to a lot such as a columbarium niche or other structure or place intended for the deposit of human remains.
23. "Corner-posts" means any stone or other land markers set flush with the surface of the ground and used to indicate the location of a lot.
24. "Mausoleum" means a building or structure, other than a columbarium, used as a place for the interment of the human remains in sealed crypts or compartments.
25. "Columbarium" means a structure designed for interring cremated human remains in sealed compartments.
26. "Cremorial" means a structure designed for interring of cremated remains.
27. "Tariff of Charges" means a price list set by Council.
28. "Resident" means a person living in the City of Hamilton at the time of death or purchase of a service or product. It may also be a person who does not reside within the city limits but whose name appears on the assessment roll.

C) Contracts & Transfer of Interment Rights

- | | |
|--------------------------|---|
| Right to Sell | 1. No person shall sell Interment Rights unless that person does so on behalf of the Corporation. |
| Sale of Interment Rights | 2. Interment Rights in lots and graves may be purchased from the Corporation at the rates filed with the Ministry and according to the plans approved by the Ministry of Consumer and Commercial Relations for Ontario that are on file in the office of the Manager of the Cemetery. The prices for Interment Rights include the applicable portion for deposit to the Cemetery's Care and Maintenance Fund. |
| Rates | 3. The Tariff of Charges is set annually and normally comes into effect on January 1. No charges shall be made that are not covered in the Tariff of Charges. |
| Payments | 4. All cheques, money orders, etc. should be made out to Hamilton Municipal Cemeteries and must accompany the signed contract. |
| Contracts | 5. All contracts must be signed by the purchaser and the Manager or their duly authorized representative. |

Procedure to Purchase	6. Interment Rights for lots and graves shall be deemed to be sold or reserved from sale when such sale or reservation is reported at the Cemetery Office. All Interment Rights must be purchased at the Cemetery Office and the Purchaser or their representative is to be shown the lot or grave that they have purchased the Rights to, and pay all charges that are incurred at the Cemetery Office.
Singels in a Row	7. Single graves in a row may be secured in the sections designated for that purpose at the prices laid down in the Tariff of Charges, and there shall be no choice of location, as the graves will be filled in regular order. Single graves in a row shall not be sold to be reserved for future interment.
Preferred Singles	8. Preferred single graves may be purchased in advance of need.
On Hold	9. Hamilton Municipal Cemeteries will hold preferred single graves and lots for three months without any payment unless the three month period enters a new Tariff of Charges period.
Care & Maintenance Formula	10. The deposit to the Care and Maintenance Fund shall be as specified in the regulation made under the Cemeteries Act, R.S.O., 1990 that came into effect April 1st, 1992. <ol style="list-style-type: none"> 1. In the case of an in-ground grave for the burial of an adult, the greater of 40% of the selling price or \$150. 2. In the case of an in-ground grave for the burial of a child or of cremated remains, 40% of the selling price. 3. In the case of a crypt in a mausoleum, the greater of 20% of the selling price or \$500. 4. In the case of a niche or compartment in a columbarium, the greater of 15% of the selling price or \$100.
Income from Care & Maintenance	11. The income from the Care and Maintenance Fund shall be expended by the City in such a manner as will be most advantageous to the Interment Rights Holders as a whole. The City Council has the full power and authority to determine upon what property, for what purpose and in what manner the income from said Care and Maintenance Fund shall be expended for the care, reconstruction, repair and maintenance of all or any portion of the Cemeteries' grounds, and, it may also expend said income for attorney's fees and other costs necessary to the preservation of the legal rights of the City in connection with the Cemeteries.
Cemetery's Duty	12. The Corporation shall provide each Rights Holder at the time of sale with: <ol style="list-style-type: none"> 1. a copy of the contract. 2. a copy of the Cemetery By-laws 3. upon payment in full, a Certificate of Interment Rights.
Puchaser's Rights	13. Purchasers of Interment Rights acquire only the right and privilege of burial of the dead and of constructing monuments or placing markers, subject to the Cemetery By-laws from time to time in force and approved by the Ministry of Consumer and Commercial Relations.
Interments	14. No Interment Rights will be granted onto a roadway or pathway unless the road or pathway is closed.
Transfers to Others	15. To ensure the correctness of records of ownership and interments, no transfer of any Interment Rights or any interest therein shall be binding upon the Corporation until notice is given in writing to the Manager of the Cemeteries, specifying the name and address of the proposed transferee and date of transfer, and such particulars have been entered in a register for that purpose. Upon receipt of such notice, and payment of a fee, the transfer shall be made.
Transfer by Heirs	16. Where a transfer of Interment Rights for a burial lot is made by the heirs or a representative of a deceased Rights Holder, proof by sworn declaration or otherwise that such heirs or representatives, have a right to convey shall be made to the satisfaction of the Manager of Cemeteries before such transfer shall be registered.
Repurchase Rights	17. An Interment Rights Holder may require, by written demand, the Cemetery to repurchase the rights at any time before they are used. The Cemetery shall repurchase the Rights within thirty days from the date that the request was received.
Repurchase Formula	18. The repurchase price of the Interment Rights, shall be the amount paid by the purchaser for the rights less the amount paid by the cemetery owner to the Care and Maintenance Fund. This also applies to all purchases or contracts that were made before this Act came into being.

Unknown Price	19.	If the original selling price is unknown, the repurchase price shall be deemed to be \$50.00 according to the Cemeteries Act, R.S.O., 1990.
Limit of Repurchase	20.	In accordance with the Cemeteries Act, R.S.O., 1990, the Corporation is not required to repurchase the Interment Rights for more than four lots held by the same interment right holder in a twelve month period.
Time Limit to Repurchase	21.	The Corporation after receiving such a demand, shall repurchase the Interment Rights within thirty days after receiving the demand.
No Refund	22.	NO REFUND will be made for any lot if any Interment Rights have been exercised.
Cancellation Period	23.	Any purchaser of supplies or services from The Corporation may cancel, by written notice to the Corporation, to the attention of the Manager, the contract to purchase at any time before the services or the supplies are provided. No supplies will be ordered or service supplied until the 30 day grace period has passed.
Cancellation Void	24.	Section 23 does not apply if the supplies or services are provided within thirty days after the contract is made as a result of the death and interment of the person for whom the supplies or services were contracted.
Responsibility	25.	Interment Rights Holders and pre-need Rights Holders are responsible to keep the cemetery office informed of any changes to the contract, especially address and telephone number.
Rights Abandoned	26.	If any Interment Rights have not been used after a 20 year period has passed, they may be considered abandoned. The cemetery may apply to the Registrar of the Ministry for a declaration that the Interment Rights are abandoned after making inquiries and giving reasonable notices to find the Interment Rights Holders or beneficiaries. Upon being satisfied that the rights are abandoned, the Registrar shall issue a declaration to that effect. If there is not an appeal by the end of the time period allowed for appeal, the Cemetery may resell the lot in question.
Redress for Abandoned Rights	27.	Any person whose Interment Rights have been resold after being declared abandoned may apply to the Registrar for redress. Upon receiving an application for redress, the Registrar shall order the Corporation to provide better or equivalent Interment Rights in that cemetery or to refund the amount that it would cost to purchase better or equivalent Interment Rights in the cemetery or if no Interment Rights are available in the cemetery, in the closest cemetery appropriate to the religious or ethnic affinities of the person whose Interment Rights have been resold.

D) Interments and Disinterments

Winter	1.	Winter interment shall take place weather permitting.
Limits	2.	Not more than two interments shall be made in any single grave except: <ol style="list-style-type: none"> 1. in areas designated for single depth interment. 2. the cremated remains of not more than 2 persons. 3. in addition to a standard interment, the cremated remains of not more than 1 person.
Container Requirement	3.	Remains to be buried in a lot or grave must be enclosed in a container, sealed securely, and of sufficient strength to permit burial with the container remaining intact. The container must be of a size to permit burial within the size of the lot.
Authorization	4.	All interments must be authorized in writing by the Interment Rights Holder except the interment of the Interment Rights Holder.
Supervisor	5.	The Manager of the cemetery, their assistant or someone in the employ of the Corporation shall be in attendance at each interment.
Requirements for Internment	6.	A burial permit issued by the Division Registrar, showing that the death has been registered, the fee for the opening of the lot or grave according to the fee found in the Tariff of Charges and a signed contract, must be deposited with the Manager of Cemeteries before interment can take place.
Requirements for cremation Internment	7.	In the case of a cremation interment, the cremation certificate and the prescribed fee for this service according to the Tariff of Charges plus a signed contract must be deposited with the Manager of Cemeteries.

Funeral Directors	8.	Funeral Directors ordering graves will not be responsible for charges incurred, but must send the immediate family or person responsible for burial to the Cemetery office to arrange payment of all charges incurred before the burial takes place. If no family is available the Funeral Director is responsible for charges and signing of contracts.
Authorizaition	9.	When Interment Rights in a lot/grave are held jointly by two or more persons, an order will be accepted from either or any of them or their authorized representatives, for interment in such part of the lot or grave as may be requested.
Opening Rights	10.	No lot or niche shall be opened for interment or disinterment by any person not in the employ of, or under the direction of the Cemetery, except under special circumstances, and by permission of the Manager of Cemeteries.
Fee Includes	11.	The interment fee includes the opening and closing of the lot, grave or niche and the registration of the burial.
Disinterments	12.	No person shall remove human remains, except cremated remains from a cemetery unless a certificate of a Medical Officer of Health and the Manager of Cemeteries confirming that the Cemeteries Act and the regulations have been complied with is affixed to the container. A burial certificate under the Vital Statistics Act is not required to reinter human remains that have been disinterred according to the Cemeteries Act and regulations.
Responsibility	13.	The Cemetery will exercise all due care in making burials and interments but is not responsible for damage to any casket, urn or other container sustained during disinterment.
No Interment	14.	No interment shall be permitted in any lot, grave or niche where the burial rights have not been paid in full.
Funeral Routes	15.	Funeral corteges within the cemetery shall follow the route indicated by the Manage or their Designate.
Cemetery Rights	16.	The Cemetery shall have the sole right to supply tents, lowering devices and grave dressings at all burials. Charges for the foregoing work will be made according to the rates laid down in the Tariff of Charges.
Correction	17.	The Cemetery reserves the right, at its cost, to correct any error that may be made by it in making interments, in the description of the lot, or the transfer or conveyance of any Interment Rights. The Cemetery may either cancel such grant and substitute other Interment Rights, or lot of equal value and similar location, as far as is reasonably possible; or refund all money paid on account for such purchase. Notice will be given personally to the Rights Holders. If necessary, it may be mailed to the Rights Holders or their legal representatives, at their last appearing address in the record books of the Cemetery. In the event any such error may involve the disinterment of remains, the Cemetery shall first obtain the approval of any regulatory authority and the Interment Rights Holder.
Not Reponsible	18.	The Cemetery shall not be held responsible for any errors in any arrangements made over the phone. These arrangements shall be made in writing when the contract is signed.
Notice	19.	Notice of each interment to be made shall be given to the Manager of the Cemetery at least 8 working hours in advance. The Cemetery cannot be held responsible for having graves prepared for funerals unless such notice is given.
Animal Burials	20.	Bodies of any animals shall not be buried in the Hamilton Cemeteries.
Sunday & Holiday	21.	The Cemetery will not do any Sunday or Statutory Holiday interments unless ordered to do so by a representative of the Ministry of Health.
Disaster Authority	22.	In the event of a disaster which results in numerous interments in the Cemeteries, the Cemetery crew will work whatever hours are necessary as authorized by the Cemetery Manager. The Cemetery Manager has the authority to handle the numerous interments as orderly and as quickly as possible.
Delay in Internment	23.	The Cemetery shall in no way be held liable for any delay in the interment of a body where a protest to the interment has been made, or where these By-laws have not been complied with; and further, the Cemetery reserves the right under such circumstances to place the body in a receiving vault until the full rights have been determined. The Cemetery shall be under no obligation to recognize any protests of interments unless they are made in writing and filed with the Cemetery Manager.

Additional Fees for Changes	24.	If, for any reason, instructions concerning the location of the burial space to be opened are changed by the Funeral Director, Interment Rights Holder or their representatives after the digging has begun or been completed, they are responsible for the payment of applicable additional fees to the Cemetery. Such fees shall be paid before any work is done pursuant to the revised instructions.
Scattering	25.	Scattering of Cremated Remains is not allowed in a Cemetery.
2 Remains	26.	No more than two (2) Cremated Remains are to be interred in a Cremation Space.
Internal Dimensions	27.	It is the responsibility of the Interment Rights Holder to check with the Cemetery as to the internal dimensions of Columbariums, Cremorials etc., so that urn or urns fit properly.
E) Care of Lots - General		
Care by Employee	1.	All lots and graves shall be maintained, kept properly graded, sodded, mown and flat markers and sunken graves levelled by employees of the Cemetery.
Not Include Watering	2.	The care of lots does not include the watering of the grass and care of shrubs etc., as the Cemetery does not bind itself to expend a greater amount for such care than is received for that purpose.
Manager's Permission	3.	No person shall do any work upon a burial lot without the permission of the Manager.
Bushes & Shrubs	4.	Dwarf evergreen trees, shrubs, flowering or other plants may be cultivated only on the lots that are in designated sections of the Cemeteries, and only in such varieties that are in keeping with the general plan of the grounds and subject to the approval of the Manager. No trees or shrubs growing within any lot may be removed or altered without the consent of the Manager.
Restriction	5.	In designated sections, dwarf evergreen trees are permitted only on lots having a monument, and only one shall be planted on either side of the monument. All plantings must be approved by the Manager.
Height	6.	The height of such shrubs and/or ornamental trees shall at no time exceed 2.44 meters (8 feet) above adjacent ground level.
Width	7.	The diameter of such shrubs and/or ornamental trees at their widest point, including all foliage shall at no time exceed 45.72cm (18 inches), or obstruct adjacent lots.
Outside Contractors	8.	Rights Holders desiring outside gardeners to do work on their lots must furnish the Manager with written authority for the same. Gardeners or florists or their employees shall not enter the Cemetery on Sunday for business purposes.
Notice	9.	If any trees or shrubs situated in any lot shall have become by means of their roots or branches or in any other way, detrimental to the adjacent lots, drains, roads or walks, or prejudicial to the general appearance of the grounds or inconvenient to the public, the Cemetery may remove such trees, shrubs or parts thereof after 30 days notice to the Interment Rights Holder. If such item is detrimental to a burial, then no notice is required.
Glass	10.	NO GLASS CONTAINERS of any kind are allowed in the cemetery at any time due to safety requirements.
Articles	11.	Nails, wires, wooden crosses, articles of glass or pottery or any other material that create a hazard to workers and to visitors when neglected or broken are not allowed in the cemetery.
Landscape Borders	12.	Borders of landscape rubberized variety, properly installed are allowed on Cemetery Property
Other Borders	13.	All other fences and borders are disallowed because of safety and operational hazards.
Materials	14.	Implements or materials used in doing any work within the cemetery shall be removed without delay and if this is not done, the Manager shall remove the same without recourse by the owner or user thereof.
Change of Grade	15.	No Interment Rights Holder shall change the grading of their lot, and in case of any such change, the Cemetery will restore the lot to its original grade at the expense of the Interment Rights Holder.
Moving Markers	16.	No unauthorized person shall sod, move cornerposts or lot markers.

Control	17. All grading, burials, foundations, landscaping, disinterments, removals, improvements, settings and all care of lots shall be done or controlled by the Cemetery.
Corporation Not Responsible	18. The Corporation shall not be responsible for loss or damage to any articles left upon any lot or grave.

F) Care of Lots - Flowers

Right to Remove	1. The Cemetery reserves the right to remove all flowers, potted plants, wreaths and baskets of flowers when they become withered or unsightly, or when for any other reason such removals are in the best interest of the Cemetery.
Artificial Flowers	2. Artificial flowers are permitted from Nov. 1 to April 1, provided they are properly maintained and not detrimental to the general maintenance of the cemetery.
Hanging Baslets	3. Hanging flower baskets are allowed in the designated flower garden areas if properly maintained. The Cemetery will remove those that are not properly maintained .
Flower Beds	4. In designated sections only; flower beds not exceeding 45.72cm (18 inches) in width shall be permitted in front of the bases of monuments and markers, and where there is no monument or marker, can only be made by permission of, and under the supervision of the Manager. .
Receptacles for Flowers	5. Receptacles for cut flowers shall be placed below the surface of the lawn.
Unplanted Flower Beds	6. To preserve the orderly appearance in the cemetery, any flower bed of the previous year which has not been planted by June 15th, may be sodded by the Cemetery and the cost charged to the Interment Rights Holder.
Removal of Wanted Flowers	7. Flower beds shall to be cleared of tender plants after the first frost of the autumn. Rights Holders desiring to take any plants away should do so before their removal becomes necessary.
Potted Plants	8. Potted plants must be in flowerbed area as close to the monument base or marker as practical.
Roses	9. Rose bushes are not permitted anywhere in the Cemeteries.
Wreaths	10. Artificial wreaths without glass or plastic covers are allowed to be placed on the lot after November 1, provided they are securely fastened to a stand and securely anchored to the ground.
Wreath Removal	11. To preserve the proper appearance of the grounds, and to allow spring cleanup, artificial wreaths must be removed before April 1st of each year, otherwise Cemetery authorities will remove them.

G) Monuments and Markers - General Information

Payments	1. No monument or other structure shall be erected or permitted on a lot until accrued charges have been paid in full.
Requirements	2. All installations of foundations and markers shall be arranged by the Rights Holder through the Cemetery Office subject to the conditions of these by-laws. Contracts are required to be signed and the fees paid according to the Tariff of Charges.
Inscriptions	3. No inscription shall be placed on any monument which is not in keeping with the dignity and decorum of the cemetery.
Permission	4. No monument, footstone, marker or memorial of any kind shall be placed, moved, altered or removed without permission from the Manager.
Requirements	5. No monument or marker will be delivered to the cemetery without the Request for Installation form containing the following information: <ol style="list-style-type: none"> 1. The Interment Rights Holders name & address. 2. Instructions for placement of the marker or monument. 3. The dimensions in the case of a flat marker. 4. In the case of a monument: <ol style="list-style-type: none"> 1. The dimensions of the die, height, width, length. 2. The dimensions of the base, height, width, length. 3. The overall size of the monument. 4. A description of the monument; colour and design.

5. The appropriate amount for the Care & Maintenance Fund in relation to the size of the marker/monument as set out in the Cemeteries Act, R.S.O., 1990, must accompany the monument.
- Care & Maintenance Fund
6. Every person installing a monument or marker in the cemetery shall pay the prescribed amount, as set out in the Cemeteries Act, to the Corporation's, Care and Maintenance Fund. The interest earned from this fund will be used to maintain the markers or monuments in a safe condition.
- Formula
7. The amounts are as follows:
 1. For installing a flat marker measuring at least 1115.85 square centimeters (173 square inches), \$50
 2. For installing an upright marker measuring 1.22 meters (4 feet) or less in height and 1.22 meters (4 feet) or less in length, including the base, \$100
 3. For installing an upright marker measuring more than 1.22 meters (4 feet) in either height or length, including the base, \$200
- Safety
8. If a monument or marker in a cemetery presents a risk to public safety because it is unstable, the Cemetery shall do whatever is necessary by way of repairing, resetting or laying down the marker to remove the risk.
- Bronze
9. The use of bronze is approved for doors and window grilles of mausoleums and other mausoleum fixtures and statuary, also for tablets when attached to granite flat markers.

H) Monuments

- Definition
1. For the purpose of the regulations, a monument shall be understood to mean any permanent memorial projecting above ground level and on a base.
- No Liability
2. The Cemetery will take reasonable precautions to protect the property of Interment Rights Holders, but it assumes no liability for the loss of, or damage to, any monument, or part thereof except where such damage or loss is due to its negligence.
- Mower Wear
3. Minor scraping of the base portion of the upright monuments due to the turf mowing operation is considered by the Cemetery to be normal wear.
- Control
4. The Cemetery reserves the right to determine the maximum size of monuments, their number and their location on each lot. They must not be of a size that it would interfere with any future interments.
- Duplication
5. A monument should be designed with reference to its surroundings, consideration being given to the number, size and character of others near at hand. Interment Rights Holders are earnestly requested not to duplicate any design in the immediate vicinity of their lots.
- Checking With Cemetery
6. After selecting a monument or headstone, Interment Rights Holders should not close the purchase until they have advised the Manager of the size, style and material, and found whether the rules will admit of its being erected or not. It often happens that a monument can not be erected because the lot is too small, or because there are trees or graves in the way, or because the lot is a restricted one, upon which no monument is allowed.
- Composition
7. Interment Rights Holders, subject to the approval of the Manager, shall have the right to erect proper stones or monuments, but all such stones and monuments must be free from visible defects, as regards to their quality of endurance, nor shall any veneered marble monuments be erected, and no tablet or monument or other structure composed in whole or in part of wood or iron shall be placed upon any lot, but all headstones shall be made of granite or other durable material, and no artificial stone will be permitted to be used for the above purposes.
- 2 Graves
8. A 2 grave lot is allowed one upright monument, 2 footstones and 4 cornerposts. Due to the work involved to keep these level, the quantity allowed on a lot is restricted.
- Overall Restriction
9. Except as herein otherwise specially provided, no monument or marker will be permitted covering a ground space of more than 10% of the total area of the lot or fraction of lot on which it is placed.
- Single Grave
10. No upright monument is allowed upon a single grave unless in areas designated for such.

Size	11. The maximum size monument allowed on a double lot is: Height 1.22 meters (4 feet) overall height (including base) Maximum Base size 96.52cm (38 inches) by 35.56cm (14 inches)
Horizontal Force	12. All monuments must be able to withstand a minimum of 100 lbs. of horizontal force applied anywhere on the monument without toppling. This must be achieved in the dry mode (no caulking).
Thickness	13. The minimum thickness of a die shall be 20.50cm (8 inches). Should the monument exceed 122.92cm (48 inches) overall height, the die must be 25.40cm (10 inches).
Dowelling	14. All monuments with dies that are less than 20.32 cm (8 inches) thick must be dowelled to the base and able to withstand the 100 lbs. standard.
Dowel Composition	15. Dowels must be made of minimum 127 mm (1/2") non-corrosive material (preferably 300 series stainless steel) or bronze. The hole depth must be a minimum of 7.62cm (3 inches) deep and no more than 32 mm (1/8") larger in diameter than the diameter of the dowel.
Bases	16. The die stones must be installed on a granite base. The height of the base shall be minimum of 20.3 cm. (8 inches). The top surface of the base must be both wider and longer than the die in order to provide a minimum border of 7.6 cm. (3 inches) of the surface of the base exposed on all sides. Bottoms of the base shall be smooth sawn.
Width	17. The maximum width of a base is controlled by the width of the lot where it will be installed. No base shall be closer than 7.6 cm (3 inches) to the lot width side lines on which it is to be installed.
Vertical Joints	18. To ensure stability, no mausoleum, vault or monument shall have any uncovered vertical joints.
Inscription Both Sides	19. Unless adjoining lots are owned, both sides of the stone cannot be used.
Alignment	20. Monuments must be placed at the center of the head end of the lot except where alignment with existing nearby monuments justifies another location. Approval of the location must be obtained from the Manager before a monument is set.
Pillow	21. No book or pillow markers shall be allowed in the cemetery.
Photographs	22. All photographs attached to any memorials or placed within the cemetery grounds shall be the sole responsibility of the owner.
Foundations	23. All foundations for monuments and markers shall be built by, or contracted to be built for, the Cemetery at the expense of the Interment Rights Holder.
Charges	24. The charges for the construction of foundations are set forth in the Tariff of Charges.
Season	25. No foundations may be constructed after November 15th in any year and before April 1st in the following year.
Composition	26. The foundation shall be built in the designated space and in the proper dimensions of the monument base. If incorrect dimensions have been given on the application form, signed by the Interment Rights Holder and/or the supplier, the foundation must be immediately removed and shall be rebuilt by the Corporation at the expense of the Interment Rights Holder. Foundations will be not less than 1.52 meters (5 feet) deep and they will be set at the Manager's direction. <ul style="list-style-type: none"> 1. The required concrete mix for foundations will be: 20.5 MPA 75 mm slump 20 mm aggregate 5% +/-1% Air Entraining agent Trowel finish all edges. 2. The surface area shall be flush with the surrounding ground level and shall provide a level surface free of defects. 3. Foundations must be cured for a minimum of 48 hours before placing the monument. 4. The finished concrete shall be protected from wind, rain or sun during curing, by covering it completely with a piece of plywood having a minimum thickness of 1.27cm (1/2 inch).

I) Markers

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|-------------------------|--|--|-------------------------|-----------------------------|------------------------|----------------------------------|-----------------------|-----------------------------|---------------|----------------------------------|------------------|--|
| Permits | 1. | An Interment Rights Holder can have an approved marker installed at the head of the grave AFTER providing the Manager with a marker permit and paying the fee listed in the Tariff of Charges. | | | | | | | | | | |
| Season For Installation | 2. | Markers will be accepted for installation during regular working hours. If weather and ground conditions permit, installations will be made within 30 days after acceptance. Markers will not be accepted from any monument dealer for storage during the winter months. | | | | | | | | | | |
| Sizes | 3. | Markers or Footstones of granite are permitted with size and quantity restrictions according to the section of the cemetery and the regulations as per the size of lot in that section. Its placement must not interfere with future interments. | | | | | | | | | | |
| | | <table border="0"> <tr> <td>single in a row maximum</td> <td>45.72cm x 60.96cm 18" x 24"</td> </tr> <tr> <td>preferred single grave</td> <td>45.72cm x 60.96cm 18" x 24" Only</td> </tr> <tr> <td>two grave lot maximum</td> <td>45.72cm x 60.96cm 18" x 24"</td> </tr> <tr> <td>cremation lot</td> <td>25.40cm x 30.48cm 10" x 12" Only</td> </tr> <tr> <td>children's grave</td> <td>25.40cm x 30.48cm 10" x 12" to 45.72cm x 35.56cm 18" x 14" depending on grave size</td> </tr> </table> | single in a row maximum | 45.72cm x 60.96cm 18" x 24" | preferred single grave | 45.72cm x 60.96cm 18" x 24" Only | two grave lot maximum | 45.72cm x 60.96cm 18" x 24" | cremation lot | 25.40cm x 30.48cm 10" x 12" Only | children's grave | 25.40cm x 30.48cm 10" x 12" to 45.72cm x 35.56cm 18" x 14" depending on grave size |
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| Set Level | 4. | Flat Markers are to be flat on top and set level with the ground so that a lawnmower can pass safely over them and shall be set by employees of the Cemetery, at the expense of the Interment Rights Holder, on payment of the fee provided in the Tariff of Charges. | | | | | | | | | | |
| Use of Bronze | 5. | The following applies to bronze markers when used as flat markers: <ol style="list-style-type: none"> 1. The casting shall be true, free from blemishes and weakening defects and imperfections, and without any "sandlike" roughness. 2. All bronze markers shall be cast with integral bosses on the back in locations specified by the cemetery; the bosses to be drilled or tapped to receive lugs of brass or bronze of 95mm (3/8") diameter and from 10.16cm to 15.24cm (4" to 6") in length. The necessary number of anchor lugs to be supplied by the dealer with each marker. 3. Every bronze marker must be bolted through granite measuring 45.72cm x 60.96cm (18"x 24") and 10.16cm (4") in thickness. 4. The bronze alloy in markers shall consist of approximately 85% copper, 5% tin, 5% zinc, 2% lead; with all other elements not exceeding 3%. | | | | | | | | | | |
| Foot Marker | 6. | One marker may be placed at each grave in addition to the monument. The marker shall be placed at the end of the lot farthest from the monument and shall not exceed 45.72cm x 60.96cm 18" x 24" | | | | | | | | | | |
| Thickness | 7. | The minimum thickness for all flat markers including footstones is 10 cm (4 inches). | | | | | | | | | | |

J) Rules for Monument Dealers, Contractors and Workers

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| Procedure | 1. | No monument or marker will be delivered to the cemetery without the proper documents. See Sections G D 2 & 5 for description of documents. |
| Notice | 2. | Monument dealers must state on each order the date they wish foundations ready and must give at least fifteen working days notice before the work is required. |
| No Delivery | 3. | No monument or marker may be delivered to the cemetery until the foundation is completed and the contractor is ready to proceed with the work of erection. |
| Removal | 4. | No monument or marker may be removed without written permission from the Manager. |
| Worker's Compensation | 5. | All companies who do work in the Hamilton Municipal Cemeteries, shall have Worker's Compensation coverage for their workers as well as sufficient liability insurance. |
| Heavy Materials | 6. | Contractors, masons and stone-cutters shall lay planks on the lots and paths over which heavy materials are to be moved, in order to protect the surface from injury. |
| Variance | 7. | There shall not be a variance of more than 1.27cm (1/2 inch) in the size of the base required as stated on the work order and the size of the monument delivered. |

Behaviour	8.	The demeanour and behaviour of all workers employed by others in the cemetery, shall be subject to the control of the Manager.
Cessation of Work	9.	Workers shall cease work, if in the immediate vicinity of a funeral, until the conclusion of the service.
Working Hours	10.	All work must be done during regular cemetery hours, unless by special permission of the Manager.
Saturday Work	11.	No work shall be commenced on Saturday that cannot be finished, including the litter and debris removed, by the hour of noon of that day.
Heavy Loads	12.	Heavy loads shall not be permitted in the cemetery when the roads are in unfit condition.
Heavy Trucks	13.	Heavy hauling trucks or commercial vehicles are not permitted within the cemetery grounds unless they have a cemetery business purpose.
Driving & Parking	14.	No monument dealer shall park or drive on the grass unless otherwise directed to do so by the Manager or their Designate
Closure	15.	The Cemetery Manager shall have the right to close a pathway or road at any time.
Clean-up	16.	All implements and materials used in the performance of any work shall be placed where the Manager may direct, and all rubbish and surplus earth shall be removed when, and to where, and in such manner as the Manager may order. Otherwise the obstructions will be removed, and the expense charged to the monument dealer.
Marker Setting	17.	If a monument company desires to set a flat marker they must make written arrangements as to time of installation with the Manager as all work must be supervised by an employee of the Cemetery. The Monument dealer shall pay to the Cemetery the prescribed fee plus necessary taxes for supervising the monument company's people.
Canvassing	18.	Canvassing for orders or distributing business cards in any of the Cemeteries is forbidden.

K) Columbarium Regulations

Rules	1.	All the general rules and regulations of the Hamilton Municipal Cemeteries shall apply to the columbarium as far as the nature of the case permits.
Certificate	2.	A proper Certificate of Cremation must accompany all cremains before inurnment can take place.
Authorization	3.	No inurnment shall be made without the permission from the burial Rights Holder or a proper representative of the estate if the burial Rights Holder is deceased.
Work Done	4.	Compartments will be opened only by employees of the Hamilton Municipal Cemeteries and sealed by them after an inurnment is made.
Two Max.	5.	Each compartment is intended for two urns. An Interment Rights Holder should check internal dimensions before purchasing urns.
Registering	6.	It is advisable that, the name of the person for whom inurnment is intended, be registered on the books of the Cemetery, so that no complications may arise when request for inurnment is made.
Payment	7.	No inurnment shall be permitted until all payments due to the Cemetery have been made and a contract been signed.
Articles Left	8.	Flowers, wreaths and designs placed against or near any part of the Columbarium that are liable to stain or deface the structure, will be removed.
Glass	9.	No glass vases or other breakable item should be placed around the columbarium.
Floral Design	10.	Flower designs made on wire frames shall have the wire covered to prevent staining or marking the granite.
Transfer	11.	No transfer of burial rights to a columbarium shall be valid until approved by and recorded in the books of the Cemetery. A transfer fee will be charged according to the fees set out in the Tariff of Charges and according to the Cemeteries Act.

- Urn Size 12. The number of cremated remains to be placed in each niche is determined by the urn size and niche dimensions and in accordance with the designated policy for each columbarium.

L) Mausoleum Regulations

- Construction 1. No vault or mausoleum will be constructed unless a complete working plan with specifications is first submitted to the Cemetery Manager, and the costs recovered from the Interment Rights Holder.
- Removal 2. Should the maintenance fund for a Private Vault become exhausted and further repairs become necessary, the Corporation may make application to the Minister of Health and to the Registrar to have the bodies removed from the vault and to reinter the same elsewhere in the cemetery and to take down and remove the structure. All claim to or in the land and vault by the former owners or owner, shall cease and be at an end upon such approval given.
- One Casket 3. No more than one casket shall be placed in a crypt except in a crypt designated for more than one.
- Extra Urn 4. The Cremated Remains of not more than one person can be placed in a crypt in addition to the casket, only under special circumstances and by permission of the Cemetery Manager.

M) Rules for Visitors

- Cemetery Hours 1. Visitors are always welcome at the cemetery during the open hours, from 8:00 a.m. until sundown. They are asked to remember the respect due to the sacred grounds.
- Office Hours 2. The Cemetery Office is open Monday through Friday from 8:30 a.m. to 4:30 p.m. unless a recognized Holiday falls within these times. The Cemetery Office is open during Saturdays of posted long weekends from 8:30 a.m. to 12:00 p.m.
- Authorization 3. Employees of the Police Department and Hamilton Municipal Cemeteries, while on recognized duty, are allowed in the cemeteries, after the prescribed times.
- Police Power 4. Hamilton Wentworth Police have the authority to remove anyone from the Cemetery whose presence is believed, by them or the Manager, not to be in the best interest of the Cemetery.
- Preserve Order 5. The Manager and designated assistants are empowered and are required to preserve order and decorum in the cemetery.
- Parades 6. No parades other than funeral processions shall be admitted to or be organized within the cemetery without permission of the Manager.
- Children 7. Children under the age of twelve years are welcome in the Cemetery grounds when accompanied by an adult, who shall be responsible for their good conduct and shall see that they do not run over the lots or climb upon the monuments.
- Speed Limits 8. Vehicles within the cemetery shall be driven at a rate of speed no greater than 25 km/h (15 mph) and shall not leave the avenues or park on the grass unless directed to do so by the Manager.
- Entry 9. No person shall enter the cemeteries except through established gates or roadways.
- Recreational Vehicles 10. No pleasure ATVs. (all terrain vehicles) or snowmobiles are allowed in the cemetery.
- Bicycles 11. Bicycles shall be permitted on cemetery roadways, but shall not be ridden on grassed or planted areas.
- Damages 12. Proprietors of vehicles and their drivers shall be held responsible for any damage done by them. They will be held liable to repair or replace the damaged property to its former state.
- Firearms 13. Discharging of firearms, other than in regular volleys at burial services is prohibited in and around the cemetery.
- Dogs 14. Dogs or other pets shall be allowed in the cemetery only if restrained by an appropriate leash and accompanied by their owner. Said owner is responsible to clean up any animal residue.
- Consumption of Food 15. No persons shall consume food or refreshments on Interments Rights Holder's property, but may in open areas as long as no littering or damage occur.

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| Alcohol | 16. No person shall bring or consume any alcoholic beverages on cemetery property. |
| Damage | 17. Any person who, in the cemetery, damages or moves any tree, plant, marker, fence, structure or other thing usually erected, planted or placed in a cemetery is liable to the Corporation and any Interment Rights Holder who, as a result, incurs damage. The amount of damages shall be the amount required to restore the cemetery to the state that it was in before anything was damaged or moved by the person liable. |
| Flowers | 18. No person shall pick or destroy flowers (wild or cultivated) growing in the Cemetery. |
| Complaints | 19. Any complaints or requests by Interment Rights Holders or visitors should be made at the Cemetery Office in person or by telephone, and not to workers on the grounds. The Cemetery office is located at 777 York Boulevard. Telephone calls will be accepted during normal business hours at 546-4704. |
| Controversies | 20. Controversies with workers or others on the grounds are to be avoided. Please bring concerns to the Cemetery Office. |
| Rubbish | 21. Rubbish shall not be thrown on roadways, lots or walkways or any part of the grounds. Receptacles are provided at convenient points on the grounds for the deposit of weeds, decayed flowers, plants, etc. |
| Disturbing Peace | 22. Any person disturbing the quiet and good order of the cemetery by noise or other improper conduct or who violates these by-laws, may be expelled from the grounds. |
| Articles Left | 23. Any article which is detrimental to efficient maintenance or constitutes a hazard to machinery, employees or visitors, or is unsightly or does not conform with the natural beauty or design of the cemetery, may be removed by the cemetery. An article removed will be held at the cemetery for collection. If not collected, it will be disposed of after 60 days. |
| Gratuities | 24. No tips or gratuities are to be given to cemetery workers by visitors or Rights Holders, nor shall any be accepted by any cemetery worker. |
| Damage Beyond | 25. The Cemetery shall take reasonable precautions to protect the Interment Rights Holder from loss or damage. The Cemetery shall have the right to hire security guards, but is under no legal obligation to do so. |
| Filming | 26. No filming is allowed on the Cemetery grounds without permission of the Manager of Cemeteries. Commercial filming must be authorized by the procedure set by Parks & Recreation Committee. |

PASSED this _____ day of _____, 1995.

CITY CLERK

MAYOR

The Corporation of the City of Hamilton

BY-LAW NO. 95-

To Replace:

By-Law No. 89-74

RESPECTING PARKS

WHEREAS prior to December 31, 1973, the general management, regulation and control of Parks, avenues, boulevards and roadway drives belonging to the Corporation of the City of Hamilton were vested in the Board of Park Management of the City of Hamilton, pursuant to the Public Parks Act, R.S.O. 1970, Chapter 384;

AND WHEREAS on December 31, 1973, the said Board of Park Management was dissolved and the assets and liabilities thereof became on the 1st day of January 1974, assets and liabilities of The Corporation of the City of Hamilton, pursuant to Section 136 of The Regional Municipality of Hamilton-Wentworth, 1973;

AND WHEREAS The Corporation of the City of Hamilton may exercise all or any of the powers that are conferred on Boards of Park Management by the Public Parks Act, pursuant to Section 207, paragraph 52 of the Municipal Act, R.S.O. 1990, Chapter M.45;

AND WHEREAS paragraph 42 of Section 207 of the Municipal Act, R.S.O. 1990, Chapter M.45 provides for the prohibition of vehicles from sidewalks, pathways or footpaths in Parks;

AND WHEREAS By-law No. 77-221 was passed on the 30th day of August 1977 by the Council of The Corporation of the City of Hamilton;

AND WHEREAS By-law No. 77-221 was consolidated by By-law No. 89-74, which was enacted on the 28th day of February, 1989;

AND WHEREAS City Council, on the 30th day of May 1995, in adopting Section 29 of the Twelfth Report of the Parks and Recreation Committee authorized the enactment of this By-Law to replace By-law No. 89-74;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

In This By-law,

Definition

1. (a) *Authorized Sign* means any sign, notice, or other device placed or erected in or upon a Park under the authority of this By-law;
- (b) *Bicycle* includes a tricycle and unicycle, but does not include a motor assisted bicycle;
- (c) *City* means the City of Hamilton;
- (d) *Control* includes care and custody;
- (e) *Council* means the council of the Corporation of the City of Hamilton;
- (f) *Commercial Motor Vehicle* means a Motor Vehicle having attached to it a truck or delivery body of unit;
- (g) *Designated Area* means any area defined or constructed for a specific use which may include Posted conditions;
- (h) *Disabled Person* includes a person who is blind or who has any degree of physical disability, which requires the physical reliance on a wheelchair, crutches, braces, canes or other similar remedial appliance or device;
- (i) *Director* means the Director of Public Works of the City or his or her designate; except where otherwise noted.
- (j) *Motor Vehicle* means a Motor Vehicle within the meaning of the Highway Traffic Act, R.S.O. 1990, C.H.8 as may be amended from time to time;
- (k) *Motorized Recreational Vehicle* means a snowmobile, go-cart, trail bike, mini bike, all-terrain Vehicle, or similar Vehicle, propelled or driven by an internal combustion engine;
- (l) *Organized Sport or Activity* means a sport, game or activity pre-planned by a group or organization whether or not formally constituted and whether or not the players or members wear uniforms;
- (m) *Permit* means any written authorization of Council, a committee established by Council, the Director where such authority has been delegated or the Director of Culture and Recreation where such authority has been delegated.
- (n) *Post* or *Posted* refers to the erection or presence of permissive, regulatory, restrictive, warning or prohibitive signs and "Posted Area" means an area where such signs are erected;

- (o) *Park* means any land, and land covered by water and all portions thereof owned by or made available by lease, agreement, or otherwise to the City, that is or hereafter may be established, dedicated, set apart or made available for use as a public open space or golf course, and that has been or hereafter may be placed under the jurisdiction of the Director including any and all buildings, structures, facilities, erections, and improvements located in or on such land, save and except where such land is governed by other By-Laws of the City;
- (p) *Public Parking Area* or *Parking Space* means any area of the Park on which there is an Authorized Sign designated by the City for such purpose;
- (q) *Residence* means a place that is actually occupied or used as a residential building;
- (r) *Vehicle* includes a Motor Vehicle as defined under the Highway Traffic Act, R.S.O. 1990, c.H.8, as may be amended from time to time, and any bicycle, carriage, wagon, sleigh or other Vehicle or conveyance of every description, whatever the mode of power, but excludes wheelchair or similar device (powered or otherwise) used by an individual due to disability, bay carriage or cart, child's wagon, child's stroller, child's sleigh or other conveyance of like nature;
- (s) *Watercraft* means any device for conveyance in or on water and includes but is not limited to power boats, row boats, sailboats, sailboards, canoes, kayaks, or dinghies

Part 1 - Use Of Parks - Conduct

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| Restricted Areas | 2. While in a <i>Park</i> , no person shall enter into areas <i>Posted</i> to prohibit or restrict admission of the public. |
| Conduct | 3. While in a <i>Park</i> , no person shall <ul style="list-style-type: none"> (a) indulge in any riotous, violent, threatening, or illegal conduct or use profane or abusive language; (b) cast, throw or in any way propel any object in such a manner as may or does endanger or cause injury or damage to any person or property; (c) spy, accost, frighten, annoy or otherwise disturb other persons; or (d) create a nuisance or in any way interfere with the peaceful enjoyment of the <i>Park</i> by other persons |

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| Firearms and
Offensive Weapons | 4. | While in a <i>Park</i> , no person shall be in possession of or use any firearm, air gun, bow and arrow, axe or offensive weapon of any kind unless authorized by the <i>Director</i> . |
| Fireworks | 5. | While in a <i>Park</i> , no person shall ignite, discharge or set off any firecrackers, rockets or other fireworks except as a fireworks display authorized by <i>Permit</i> . |
| Injury and Damage | 6. | No person shall in any <i>Park</i> : <ul style="list-style-type: none">(a) climb any building, structure or equipment, unless it is equipment designed for climbing;(b) break, injure, deface, move or remove the whole or any part of any flowers, plant material, trees or other vegetation or any building, structure, equipment or other property of the <i>City</i>;(c) unless authorized by <i>Permit</i>, climb move or remove the whole or any part of rocks, boulders, rock faces or remove any soil, sand or wood;(d) in any manner, disturb ground which is under repair, prepared for planting, has been newly seeded or sodded or is in an area <i>Posted</i> to that effect; or(e) conduct research, or remove any relict, artifact or natural object(f) drive, park or walk in an area <i>Posted</i> to prohibit same. except with the written permission of the <i>Director</i>. |
| Waste and
Pollution | 7. | No person shall in any <i>Park</i> : <ul style="list-style-type: none">(a) dispose or dump garbage, litter, tree trimmings, or any other refuse, except that which is generated through the normal use of the <i>Park</i> and shall only deposit same in receptacles provided for such purpose;(b) dispose of or dump garden refuse except in a <i>Designated Area</i> therefore;(c) unless authorized by <i>Permit</i>, dump or deposit snow, fill, soil, building or construction materials;(d) dump or drain onto any soils or into the waters of any pool, pond, lake, stream, fountain or watercourse of any kind any material, toxic or otherwise, which may have the effect of polluting same(e) release any balloons, except in accordance with Schedule "A". |

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| Protection of
Wildlife | 8. | While in any <i>Park</i> , no person shall: |
| | (a) | subject to the provisions of section 20, kill, attempt to kill, maim, injure, trap or disturb any animal, bird, waterfowl, fish, worms, or other wildlife; or |
| | (b) | touch, injure or remove any nest or egg therefrom. |
| Animal and Fish
Displays | 9. | While in any <i>Park</i> , no person shall: |
| | (a) | feed or attempt to feed any wild bird or fish or any bird or fish owned by or under the control of the <i>City</i> unless <i>Posted</i> otherwise; |
| | (b) | throw, deposit, place or attempt to throw, material of any kind whatsoever in any area where birds or fish are kept for public display; or |
| | (c) | kill, attempt to kill, maim or in any way injure or molest any bird, waterfowl or fish that is kept for public display. |
| Encroachment | 10. | Unless authorized by <i>Permit</i> , no person shall encroach upon or take possession of any <i>Park</i> by any means whatsoever, including the construction, installation or maintenance of any fence or structure, the dumping or storage of any materials, or planting, cultivating, grooming or landscaping, thereon. |
| Alcohol | 11. | While in a <i>Park</i> : |
| | (1) | no person shall consume, serve or sell alcoholic beverages unless authorized by a <i>Permit</i> issued by <i>Council</i> and with the approval of the Liquor Licence Board of Ontario; and |
| | (2) | Any person who consumes, serves or sells alcoholic beverages in a <i>Park</i> shall obtain sufficient insurance to conform with current council policy of <u>Liquor Act</u> liability insurance, naming the <i>City</i> as an insured. |

Part II - Park Use

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| Campfires and
Barbeques | 12. | While in any <i>Park</i> , no person shall: |
| | (a) | light, build or stoke an open fire or bonfire unless authorized by <i>Permit</i> ; |
| | (b) | use charcoal or solid fuelled portable barbeques unless authorized by <i>Permit</i> or where <i>Posted</i> to allow same; |
| | (c) | use fuel other than charcoal or briquettes in stationary barbeques; or |
| | (d) | leave a barbeque or campfire without extinguishing the fire and ensuring that the embers are cold. |

Organized
Gathering and
Picnics

13. While in any *Park*, no person shall:
- (a) unless authorized by *Permit*, hold a picnic, organized gathering or event for more than twenty-five persons; or
 - (b) interfere with a picnic, organized gathering or event authorized by *Permit*.

Amplifiers and
Loud Speakers

14. Unless authorized by *Permit*, no person shall operate loud speakers or amplifying equipment in any *Park*.

Camping and
Lodging

15. Unless authorized by *Permit*, no person shall dwell, camp or lodge in any *Park*.

Tents and
Structures

16. Unless authorized by *Permit*, no person shall place, install or erect any temporary or permanent tent or structure in any *Park*.

Bathing and
Swimming and
Sun Bathing

17. No person shall in any *Park*:
- (a) enter any public swimming pool, except at times designated for swimming;
 - (b) in or adjacent to any swimming pool, fail to abide by *Posted* signs or to obey the instructions of any lifeguard or other authorized person;
 - (c) swim, bathe or wade in any fountain, pond, lake or stream, except in a *Designated Area*; or
 - (d) utilize facilities without being properly attired including appropriate swimwear or beach clothing.

Use of Wash
and Change Rooms

18. No person shall enter any portion of any washroom, bathhouse, or changeroom in any *Park* set apart for the opposite sex.

Part III - Games, Sports and Organized Activities

Organized Sports
or Activities

19. (1) While in any *Park*, no person shall:
- (a) arrange or engage in an *Organized Sport* or *Activity*, unless authorized by *Permit*; or
 - (b) interfere with an *Organized Sport* or *Activity* authorized by *Permit*.
- (2) In addition to the prohibitions set out in subsection (1), while in any *Park* no person shall utilize a *Designated Area* without a *Permit* where same is *Posted* to prohibit or restrict such use.

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| Fishing | 20. | No person shall fish in an area <i>Posted</i> to prohibit same, in any <i>Park</i> . |
| Golf | 21. | <p>(1) While in any <i>Park</i>, no person shall play or practise golf or strike a golf ball except on a golf course or in a <i>Designated Area</i>.</p> <p>(2) On any golf course located in a <i>Park</i> no person shall:</p> <p>(a) play or practise golf unless registered on that day as a player;</p> <p>(b) hunt for or pick up any lost, misplaced, or abandoned golf balls provided that nothing herein shall prevent a person registered as a player or such player's caddy from retrieving or attempting to retrieve golf balls lost by such registered player; or</p> <p>(c) during the period from April 1st to and including November 30th, enter in or upon the playing area thereof unless registered on that day as a player or accompanying such player as a caddy.</p> |
| Model Aircraft and Rockets | 22. | While in any <i>Park</i> , no person shall operate any powered models of aircraft, rockets, <i>Watercraft</i> or <i>Vehicles</i> unless authorized by <i>Permit</i> . |
| Aircraft | 23. | Unless authorized by <i>Permit</i> , no person shall tether, launch or land any fixed-wing aircraft, helicopter, hot air balloon, hang glider, ultra light aircraft or similar conveyance in any <i>Park</i> . |
| Skating | 24. | <p>On any natural or artificial ice surface located in any <i>Park</i>, no person shall:</p> <p>(a) use speed skates unless authorized by <i>Permit</i> or in a <i>Posted</i> area in accordance with <i>Posted</i> conditions;</p> <p>(b) skate or act in such a manner as to interfere with and/or endanger any other person using the surface; or</p> <p>(c) use a stick of any kind except in accordance with <i>Posted</i> conditions.</p> |
| Skiing, Tobogganing and Sledding | 25. | <p>(1) No person shall downhill ski, toboggan, snowboard, skibob or sled in any area <i>Park</i> unless otherwise <i>Posted</i> to allow same.</p> <p>(2) No person shall cross country ski in any area <i>Park</i> that has been posted to prohibit same.</p> |

Roller Skates
and Skateboards

26. While in any *Park*, no person shall:
- (a) operate or utilize roller skates, skate boards, linear skates or like conveyances where *Posted* to prohibit or otherwise restrict the use of same; or
 - (b) obstruct, inconvenience or endanger other users of the *Park* while operating or utilizing traditional or in-line roller skates, skate boards or like conveyances.

Tennis

27. No person shall enter, walk, or play upon a *Designated Area* for tennis in any *Park*, except in accordance with the *Posted* rules and regulations.

Part IV - Vehicles

Roadway

28. (1) The *Council* or, where such authority has been delegated, the *Director* or Committee established by *Council*, is authorized to establish appropriate regulations to regulate the use of *Park* roadways.
- (2) Unless authorized by *Permit*, and except as provided in section 31 with respect to *Bicycles*, no person shall while in any *Park* drive, operate, pull or ride any *Vehicle* except on a roadway or *Public Parking Area*.

Parking

29. No person shall in any *Park*:
- (a) park or leave a *Vehicle* except in a *Designated Area* for parking;
 - (b) park or leave a *Vehicle* between the hours of 11:01 p.m. and 5:59 a.m., except in a *Designated Area* allowing for such overnight parking, or where authorized by *Permit*;
 - (c) stop or park a *Vehicle* in a *Designated Area* for parking, except in a *Parking Space* and in accordance with *Posted* conditions;
 - (d) stop or park a *Vehicle* in a designated disabled *Parking Space*, unless a disabled person parking permit issued in accordance with the provisions of the Highway Traffic Act, R.S.O. 1990, c.H.8, as may be amended from time to time, is properly displayed on or in the *Vehicle*; or
 - (e) use any *Parking Space* except while using the *Park*.
30. No person shall make use of any roadway or parking lot in any *Park* for:
- (a) washing, cleaning, servicing, maintaining or, except in the event of an emergency, the repair of any *Vehicle*; or

- (4) No *Permit* contemplated by this by-law shall be issued if same would result in the contravention of other applicable law.
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| Posting of Signage | 45. The <i>Director</i> is authorized to <i>Post</i> signage of permission, regulation, restriction, warning or prohibition with respect to uses of or activities in any <i>Park</i> in accordance with the provisions hereof. |
| Temporary Closure | 46. The <i>Director</i> is authorized to close off for such temporary period as the <i>Director</i> deems appropriate any <i>Park</i> or part or parts thereof to relieve or prevent overcrowding or traffic congestion, or in the interests of public safety, or as may otherwise be authorized by <i>Council</i> . |
| Exclusions and Exemptions | <p>47. (1) This by-law shall not apply to:</p> <ul style="list-style-type: none"> (a) the drivers, operators or other personnel of ambulances, police or fire department vehicles, while engaged in the performance of their duties; (b) employees or agents of the <i>City</i> while engaged in works or services undertaken for or on behalf of the <i>City</i>; or (c) a <i>Park</i>, property or building that is now or hereafter under the jurisdiction of a board established by the <i>Council</i> or by statute, the members of which are appointed by <i>Council</i>. <p>(2) This by-law shall be subject to provisions of contracts and agreements now or hereafter entered into by the <i>City</i> covering works or services to be performed in any <i>Park</i>.</p> |
| Enforcement | <p>48. (1) Any police officer, provincial offences officer or employee of the <i>City</i> designated by the <i>Director</i> is authorized to inform any person of the provisions of this by-law and to request compliance therewith.</p> <p>(2) Any police officer, provincial offences officer or employee of the <i>City</i> whose duties include the enforcement of this municipal by-law, is authorized to order any person believed by such officer or employee to be contravening or who has contravened any provision of this by-law,</p> <ul style="list-style-type: none"> (a) to desist from the activity constituting or contributing to such contravention; (b) to remove from the <i>Park</i> any animal or thing owned by or in the control of such person which the officer or employee believes is or was involved in such contravention; or (c) to leave the <i>Park</i>. |

	(3)	Any police officer or provincial offences officer may enforce the provisions of this by-law.
	(4)	Where any person contravenes any of the provisions of this by-law, or fails to comply with any order referred to in subsection (2) hereof, the permission and licence of such person to remain in that <i>Park</i> is revoked.
Penalty	49.	<p>(1) Any person contravening any of the provisions of this by-law, other than clause 34(a) resulting from the operation of a <i>Motor Vehicle</i>, is guilty of an offence and on conviction is liable to a fine in such amount provided for by the <u>Provincial Offences Act</u>, R.S.O. 1990, c.P.33, as may be amended from time to time.</p> <p>(2) Any person contravening the provision contained in clause 34(a) of this by-law, resulting from the operation of a <i>Motor Vehicle</i>, is guilty of an offence under the <u>Highway Traffic Act</u>, R.S.O. 1990, c.H.8, and, pursuant to the provisions thereof, on conviction is liable to a fine in such amount provided for by the Highway Traffic Act, R.S.O. 1990, c.H.8, as may be amended from time to time.</p> <p>(3) The owner of a <i>Motor Vehicle</i> that is parked or left in contravention of section 29 of this by-law is guilty of an offence and on conviction is subject to the provisions of this section, unless at the time of the offence the <i>Motor Vehicle</i> was in the possession of another person without the owner's consent.</p>
Removal of Vehicles	50.	A police officer or provincial offenses officer upon discovery of any <i>Vehicle</i> parked or standing in contravention of section 29 of this by-law may cause it to be moved or taken to and placed or stored in a suitable place and all costs and charges for removing, care and storage thereof, if any, are a lien upon the <i>Vehicle</i> which may be enforced in the manner provided by the <u>Repair and Storage Liens Act</u> , R.S.O. 1990, c.R.25, as may be amended from time to time, or any successor acts thereto.
Schedules	51.	<p>The Schedules attached to this by-law and listed below shall have the same force and effect as if the provisions contained therein were contained in the body of this by-law:</p> <p>Schedule "A" - Release of Balloons Schedule "B" - Filming Schedule "C" - Passenger Tarrifs</p>
Severability And Saving	52.	Should a court of competent jurisdiction declare a part or the whole of any provision of this By-law to be invalid or of no force and effect, the provision or part is deemed severable from this By-law, and it is the intention of <i>Council</i> that the remainder survive and be applied and enforced in accordance with its terms to the extent possible under the law.

SCHEDULE "A"

1. No person shall, while in a Park release 10 or more balloons inflated with lighter-than-air gases within a 24 hour period.

SCHEDULE "B"

In this Schedule the following guidelines shall be adhered to when filming and taping in a Park within the City of Hamilton:

1. The Director of Public Works shall:
 - (a) in the case of production as listed in Clause (5), give written notice to permit staff, outlining as fully as possible all details of production, at least five working days prior to the actual filming;
 - (b) in the case of productions as listed in Clause (6), give written notice to permit staff, outlining as fully as possible all details of production, at least three working days prior to the actual filming;
2. The Director of Public Works, and subject to paragraph (3), may issue the Permit for the period specified therein subject to the person receiving the Permit;
 - (a) agreeing that production vehicles will be clearly identified and further agreeing that all vehicles will comply with regulations governing vehicular traffic in the City Parks as determined by the Director of Public Works from time to time and approved by City Council;
 - (b) agreeing that production vehicles and equipment will not block fire hydrants, driveways or other access ramps;
 - (c) agreeing that all generators used in City Parks will be "blimped" generators;
 - (d) agreeing that lighting for filming will be oriented away from neighbouring residences;
 - (e) agreeing that production crews will clean the filming locations at the end of each filming day;
 - (f) agreeing to indemnify and save harmless the City from any action, claim, damage or loss whatsoever arising from the issuance of the Permit or the use of the Park;
 - (g) where deemed necessary by the Director of Public Works, a security deposit shall be required prior to the issuance of a film Permit, in an amount satisfactory to the Director and City Treasurer to ensure that the lands will be restored to the satisfaction of the Director and that any damage to the parklands or property will be satisfactorily repaired. The deposit will be accepted in the form of a certified cheque, letter of credit from a chartered bank or other document satisfactory to the Treasurer; and
 - (h) providing a certificate of insurance for general comprehensive public liability for three million dollars, satisfactory to the City Treasurer.
3. Where the Director refuses to approve the issuance of a permit, the applicant shall be referred to City Council for its determination.
4. City Council may cancel the permission for the use of the Park and the Director of Public Works may suspend for cause any such permission pending a report thereon to the Parks & Recreation Committee and Council.

5. Clause 1(a) applies to the following productions:
 - (a) feature motion picture main unit;
 - (b) feature television movie main unit;
 - (c) television mini-series main unit;
 - (d) television network variety specials;
 - (e) television network productions requiring any pre-production staging or installation;
and
 - (f) any production requiring the use of amplified sound or pyrotechnic special effects.

6. Clause 1(b) applies to the following productions:
 - (a) feature motion picture second unit (6 vehicles or less);
 - (b) feature television movie second unit (6 vehicles or less);
 - (c) television mini-series second unit (6 vehicles or less);
 - (d) episodic television series;
 - (e) television commercials;
 - (f) current affairs and documentary film and television film production;
 - (g) television broadcast events coverage not requiring any pre-production staging
Promotional films;
 - (h) non-broadcast television production;
 - (i) industrial films or home video productions;
 - (j) music videos;
 - (k) educational or student films; and
 - (l) camera or equipment tests.

SCHEDULE "C"

1. In this Schedule

- (a) "Commercially Operated Boat" means a boat in which the Owner or Operator transports or offers to transport persons and/or personal property for a fee;
- (b) "Harbour Master" means the Harbour Master of the Hamilton Harbour Commission.

2. Unless authorized by the Director and "Harbour Master" no Operator or Owner of a "Commercially - Operated Boat" shall moor, allow to be moored, or operate such commercially operated boat within Harbourfront Park or Pier 4 Park or the Sea-Walls located within Harbourfront Park or Pier 4 Parks.

The Corporation of the City of Hamilton

BY-LAW NO. 95-

To Amend:

Zoning By-law No. 6593

Respecting:

LAND LOCATED AT MUNICIPAL NO. 1445 MAIN STREET WEST

WHEREAS it is intended to change the zoning of the lands hereinafter referred to and to establish special requirements under section 19B of By-law No. 6593 passed on the 25th day of July 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Sheet No. W-46 of the District Maps, appended to and forming part of By-law No. 6593, is amended,

- (a) by changing from "C" (Urban Protected Residential, etc.) District to "H" (Community Shopping and Commercial, etc.) District, the land comprised in Block 2,

the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

2. The "H" (Commercial Shopping and Commercial, etc.) District provisions, as contained in Section 14 of Zoning By-law No. 6593, applicable to the lands comprised in Blocks 1 and 2, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A", are amended to the extent only of the special requirements that,

- (a) Notwithstanding Section 14.(1)(xvii) of Zoning By-law No. 6593, a mechanical car wash consisting of one bay, as an accessory use to a gas bar shall be permitted; and,
- (b) Notwithstanding Section 18.(3)(ivc)(a) of Zoning By-law No. 6593, a 4.0 m minimum westerly side yard shall be provided and maintained for every building or structure; and,
- (c) Notwithstanding Section 14.(1)(xvi) of Zoning By-law No. 6593, only one (1) business identification sign that is ground sign and having a vertical dimension of not more than 6.0 metres, an aggregate area of vertical projection of not more than 1.0 square metre per 0.5 metres of street frontage of the lot, and located not less than 3.0 m from the Main Street West streetline shall be permitted; and,

- (d) Notwithstanding clause 2.(2)J.(xb) of Zoning By-law No. 6593, one (1) directional sign at each point of ingress and egress, and each said sign of a size not exceeding 1.2 square metres (12.92 square feet) shall be permitted; and,
- (e) No sign shall be illuminated unless the source of light is steady and suitably shielded to contain the illumination; and,
- (f) A landscape area not less than 6.0 m in width shall be provided and maintained along the westerly lot line where the lot adjoins a residential district and no parking or other use shall be permitted within the landscape area, except for the one bay mechanical car wash; and,
- (g) A landscape area not less than 3.0 m in width shall be provided and maintained along the northerly and easterly lot lines, except for any area used for access driveways; and,
- (h) A visual/acoustical barrier not less than 1.8 m in height and not more than 2.0 m in height shall be provided and maintained along the westerly lot line, where the lot adjoins a residential district; and,

3. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "H" District provisions, subject to the special requirements referred to in section 2.

4. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-1341.

5. Sheet No. W-46 of the District Maps is amended by marking the lands referred to in section 2 of this by-law, S-1341.

6. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED this

day of

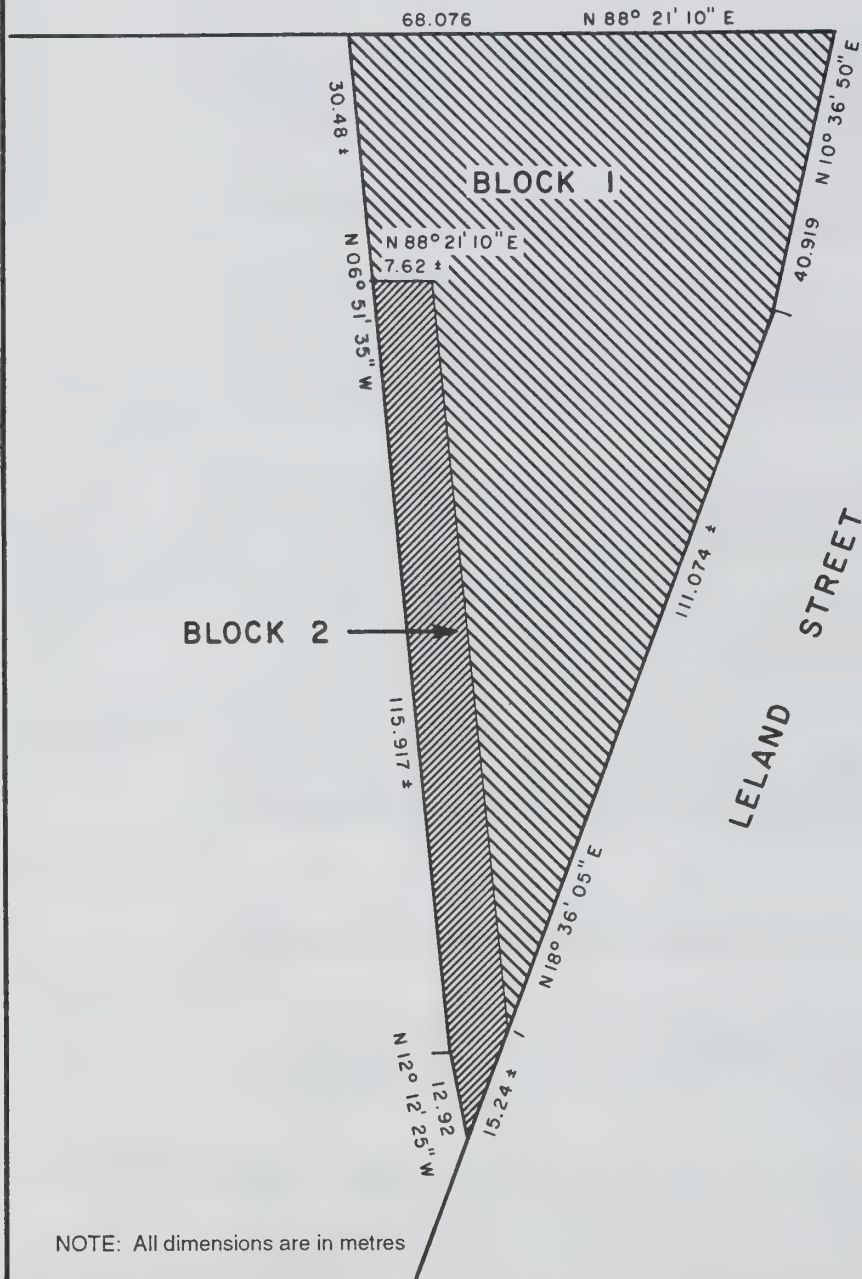
A.D. 1995

CITY CLERK

MAYOR

(1995) 11 R.P.D.C. 2, April 11
Imperial Oil Limited, Owner
ZAC-95-02

MAIN STREET WEST



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 95-.....
Passed the day of, 1995.

.....
Clerk

.....
Mayor

City of Hamilton

Schedule A

Map Forming Part of
By-Law No. 95-.....
to Amend By-Law No. 6593

Planning and Development Department

Legend



BLOCK 1 Modification to the established
"H" (Community Shopping and
Commercial, etc.) District.



BLOCK 2 Change in zoning from "C" (Urban
Protected Residential, etc.) District
to "H" (Community Shopping and
Commercial, etc.) District, modified.

North



Scale
Not to Scale

Date
MAY 1995

Reference File No.
ZAC-95-02

Drawn By
Z.K.

The Corporation of the City of Hamilton

BY-LAW NO. 95-

To Establish:

Site Plan Control

Respecting:

LAND LOCATED AT MUNICIPAL NO. 1445 MAIN STREET WEST

WHEREAS By-law No. 79-275, passed on the 25th day of September 1979, under Section 35a of the Planning Act, as re-enacted by the Planning Amendment Act, 1979, S.O. 1979, Chapter 59, Section 1, [now Section 41 of the Planning Act, R.S.O. 1990, c. P. 13], as amended by By-law No. 87-223, passed on the 28th day of July 1987, established site plan control in various parts of the City of Hamilton as of November 1, 1979;

AND WHEREAS it is desirable to amend By-law No. 79-275 to establish site plan control on the land hereinafter referred to.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Schedule "B" to By-law No. 79-275 is amended by adding the following thereto:
 156. Land located at Municipal No. 1445 Main Street West, shown on Appendix 156 hereto annexed and forming part of this by-law.
2. Appendix 156 to By-law No. 79-275 is hereto annexed as Schedule "A", and forms part of this by-law, and By-law No. 79-275, as amended.

PASSED this

day of

A.D. 1995

CITY CLERK

MAYOR

(1995) 11 R.P.D.C. 2, April 11
Imperial Oil Limited, Owner
ZAC-95-02

MAIN STREET WEST

68.076 N 88° 21' 10" E

146.397

N 06° 51' 35" W

N 12° 12' 25" W
12.92

N 18° 36' 05" E

126.314

LELAND STREET

40.919

N 10° 36' 50" E

NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 95-.....
Passed the day of, 1995.

.....
Clerk

.....
Mayor

City of Hamilton

Appendix 156

to By-Law No. 79-275

as Amended by By-Law No. 87-223

Planning and Development Department

Legend



Lands designated under this By-Law
as an area of Site Plan Control pursuant
to section 41 of the Planning Act,
R.S.O., 1990.

North



Scale
Not to Scale

Date
MAY 1995

Reference File No.
ZAC-95-02

Drawn By
Z.K.

The Corporation of the City of Hamilton

BY-LAW NO. 95-

To Amend:

Zoning By-law No. 6593

Respecting:

LAND LOCATED AT MUNICIPAL NO. 370 MAIN STREET EAST

WHEREAS it is intended to change the zoning of the lands hereinafter referred to and to establish special requirements under section 19B of By-law No. 6593 passed on the 25th day of July 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Sheets No. E-13 and E-14 of the District Maps, appended to and forming part of By-law No. 6593, are amended,

- (a) by changing from "H" (Community Shopping and Commercial, etc.) District to "CR-2" (Commercial - Residential) District, the land comprised in Block 1,

the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

2. The "CR-2" (Commercial - Residential) District provisions, as contained in Section 15B of Zoning By-law No. 6593, applicable to the lands referred to in section 1 are amended to the extent only of the special requirements that,

- (a) For the purpose of this By-law, a Senior Citizens' Dwelling Unit shall mean a separate set of living quarters, operated by a non-profit housing corporation which receives assistance under the National Housing Act or other non-profit housing programs, the purpose of which is to provide housing subsidies for qualifying senior citizens, and which shall include at least one room and separate kitchen and sanitary conveniences with a private entrance outside or from a common hallway or stairway inside; and,

- (b) Notwithstanding Sections 15B(14) and 15B(16) of Zoning By-law No. 6593, a mixed commercial and residential development shall be permitted with a total maximum gross floor area of 4,114 m² and shall include a Senior Citizens' Multiple Dwelling with a maximum of 50 Senior Citizens' Dwelling Units and a maximum residential gross floor area of 3,983 m², subject to the following special provisions:
1. Notwithstanding Section 15B(8)(b) no building or structure shall exceed 7 storeys or 22.4 m in height; and,
 2. Notwithstanding Section 15B(9) the following minimum yards shall be provided and maintained for any residential use:
 1. front yard (north lot line along Main Street) 5.0m
 2. side yard (west lot line) 0.0m
 3. side yard (east lot line along Emerald Street) 0.0m
 4. rear yard (south lot line) 4.5m; and,
 3. Notwithstanding Section 15B(11)(b) a west side yard of 0.0m may be provided and maintained for any commercial use; and,
 4. Notwithstanding Section 15B(19) a minimum amenity area of 721 m² shall be provided and maintained; and,
 5. Notwithstanding Section 15B(21) and 15B(22) a minimum landscaped area of 111.5 m² shall be provided and maintained and may be located above grade, subject to Section 15B(27); and,
 6. Notwithstanding Section 18.(3)(vi), a balcony may project 1.6 m into the required front and rear yards; and,
 7. Notwithstanding Section 18A, a minimum of one 3.7 m x 9.0 m x 4.3 m loading space shall be provided and maintained; and,
 8. Notwithstanding Section 18A, parking shall be provided and maintained for a Senior Citizens' Multiple Dwelling on the basis of 0.3 spaces per Senior Citizens' Dwelling Unit, except that not less than 33 parking spaces shall be provided and maintained; and,
 9. Notwithstanding Section 18A, a maximum of four of the required parking spaces may be located on Block "2".
3. The "E" (Multiple Dwellings, Lodges, Clubs, etc.) District provisions, as contained in Section 11 of Zoning By-law 6593, applicable to the lands comprised in Block "2", the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A", are amended to the extent only of the special requirements that,
- (a) Notwithstanding Section 11(1) of Zoning By-law No. 6593, parking accessory to a mixed residential and commercial development on Block "1" shall be permitted, subject to the following special provisions:
1. Notwithstanding Section 18(A) manoeuvring space may be provided off-site; and,

2. A visual barrier not less than 1.2 m and not more than 2.0m in height shall be provided and maintained along the southerly lot line, except for a distance of 5.0 m from the Emerald Street road allowance; and,
3. A minimum 2.7 m wide landscaped planting strip shall be provided and maintained along the southerly lot line.
4. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "CR-2" District and "E" District provisions, subject to the special requirements referred to in sections 2 and 3.
5. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-1340.
6. Sheets No. E-13 and E-14 of the District Maps are amended by marking the lands referred to in section 1 and section 3 of this by-law, S-1340.
7. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED this

day of

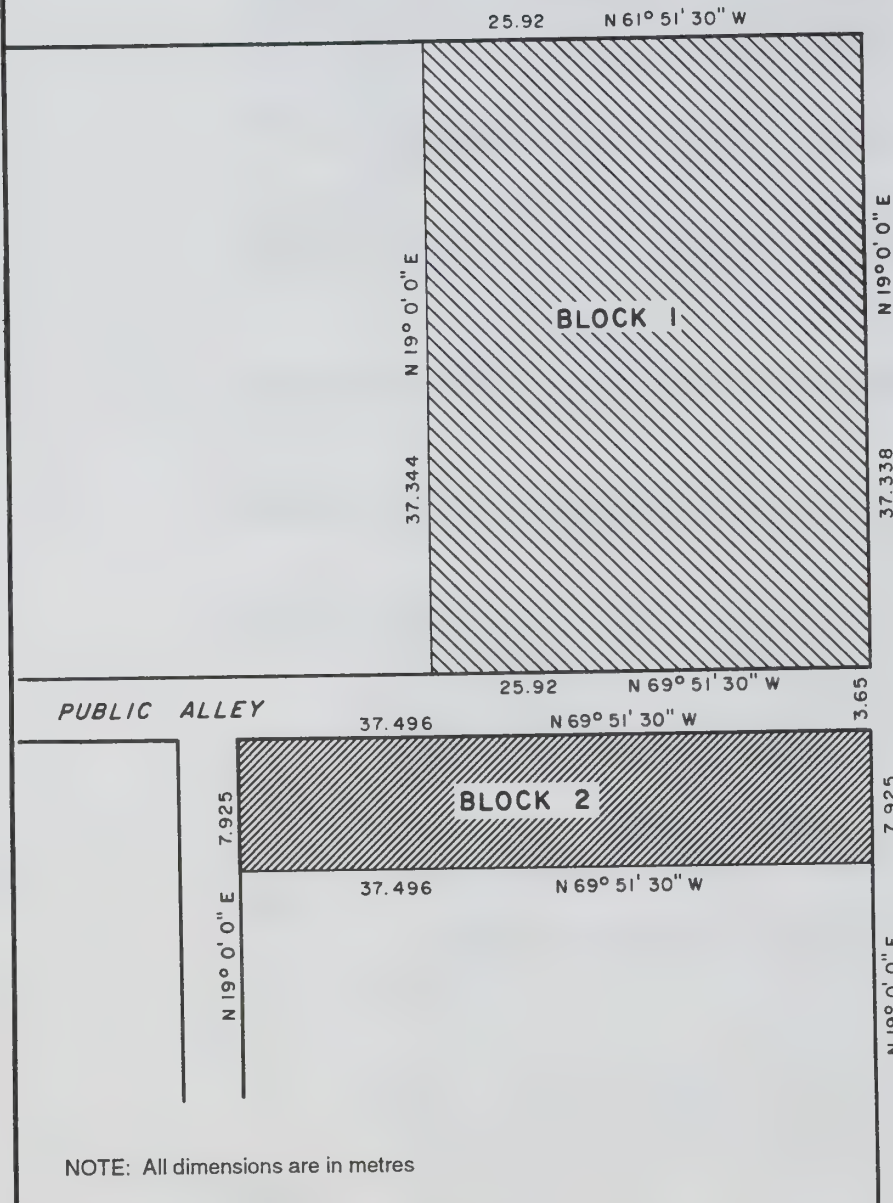
A.D. 1995

CITY CLERK

MAYOR

(1995) 11 R.P.D.C. 1, April 11
Investors Group, Mortgagee in Possession
ZAC-94-04

MAIN STREET EAST



EMERALD STREET SOUTH

NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 95-.....
Passed the day of, 1995.

.....
Clerk

.....
Mayor



City of Hamilton

Schedule A

Map Forming Part of
By-Law No. 95-.....
to Amend By-Law No. 6593

Planning and Development Department

Legend

- BLOCK 1**  Change in zoning from "H" (Community Shopping and Commercial, etc.) District to "CR-2" (Commercial - Residential) District, modified.
- BLOCK 2**  Modification to the established "E" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations.



Scale
Not to Scale

Date
APRIL 1995

Reference File No.
ZAC-94-04

Drawn By
Z.K.

The Corporation of the City of Hamilton

BY-LAW NO. 95-

To Amend:

Zoning By-law No. 6593

As Amended by Zoning By-laws No. 85-171 and 93-145

Respecting:

LANDS LOCATED AT MUNICIPAL Nos. 1010 -1024 UPPER WENTWORTH STREET

WHEREAS the Council of the Corporation of the City of Hamilton passed By-law No. 85-171 on the 27th day of August, 1985 to change the zoning and establish special requirements under Section 19B of Zoning By-law No. 6593, for the "HH" District, in respect of the lands located on the west side of Upper Wentworth Street, between Mohawk Road East and Limeridge Road East, in the vicinity of Kingfisher Drive, the extent and boundaries of which are shown on a plan thereto annexed as Schedule "A", which by-law was approved by the Ontario Municipal Board by Order dated the 14th day of January 1986, (File No. R 850477);

AND WHEREAS the Council of the Corporation of the City of Hamilton passed By-law No. 93-145 on the 29th day of June, 1993 to rezone the subject lands from "HH" (Restricted Community Shopping and Commercial) District to "HH" - 'H' (Restricted Community Shopping and Commercial - Holding) District and established special requirements with respect to the said lands, the extent and boundaries of which are shown on a plan thereto annexed as Schedule "A", which by-law came into force on the day it was passed in accordance with the Planning Act;

AND WHEREAS section 2. of By-law No. 93-145 provides that upon the applicant/owner applying for and receiving approval of a Site Plan Control application from the City of Hamilton, and receiving approvals and amendments where necessary for access to the lands from Regional Council, as required by the Roads Department, the 'H' symbol shall be removed by amendment to By-law 93-145;

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982;

AND WHEREAS City Council in adopting Item 13 of the Fourteenth Report of the Planning and Development Committee at its meeting held on the 30th day of May 1995, directed that By-law No. 93-145 be amended to remove the 'H' (Holding) symbol in respect of the subject lands.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The 'H' (Holding) symbol affixed by By-law No. 93-145, passed on the 29th day of June, 1993, to the "HH" - 'H' (Restricted Community Shopping and Commercial - Holding) District designation of the lands, the extent and boundaries of which are shown on a plan annexed as Schedule "A" to By-law No. 93-145 and forming part thereof, is hereby removed, and the development of the lands may proceed in accordance with the "HH" District provisions of Zoning By-law No. 6593, subject to the special requirements referred to in section 2. of By-law No. 85-171 and section 3. of By-law No. 93-145.

2. Sheet No. E-18A of the District Maps, appended to and forming part of Zoning By-law No. 6593, as amended by section 1. of By-law No. 93-145, is further amended by changing from "HH" - 'H' (Restricted Community Shopping and Commercial - Holding) District to "HH" (Restricted Community Shopping and Commercial) District, the land, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A" and forming part of this by-law.

3. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "HH" District provisions, subject to the special requirements referred to in section 2. of By-law No. 85-171 and section 3. of By-law No. 93-145.

4. By-law No. 6593, as amended by By-laws No. 85-171 and 93-145, is further amended by adding this by-law to section 19B as Schedule S-922e.

5. Sheet No. E-18A of the District Maps, as amended by By-laws No. 85-171 and 93-145, is further amended by marking the lands referred to in section 2. of this by-law, S-922e.

6. In all other respects, By-law No. 93-145 is hereby confirmed, unchanged.

PASSED this

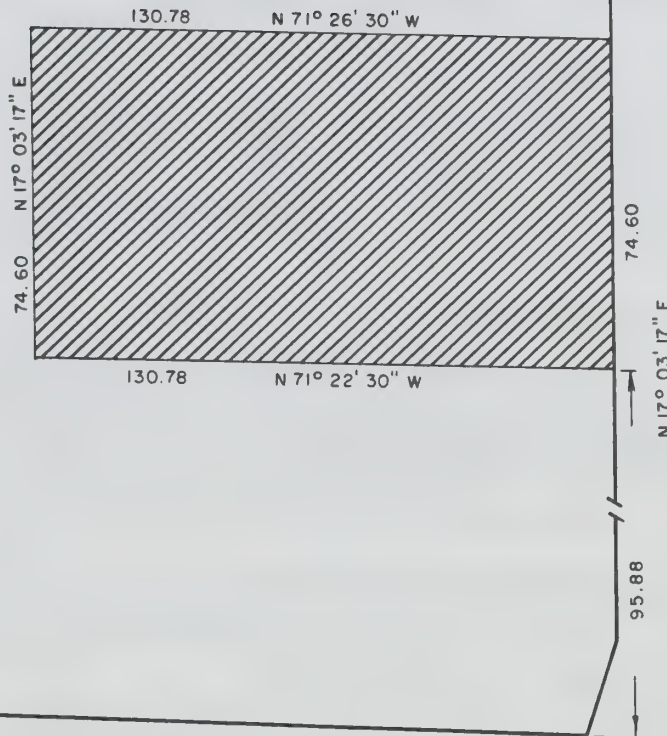
day of

A.D. 1995.

CITY CLERK

MAYOR

(1995) 14 R.P.D.C. 13, May 30
891157 Ontario Limited (R. Yates), Owner
ZAR-95-16



UPPER WENTWORTH STREET

LIMERIDGE ROAD EAST

NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 95-.....
Passed the day of , 1995.

.....
Clerk

.....
Mayor

City of Hamilton

Schedule A

Map Forming Part of
By-Law No. 95-.....
to Amend By-Law No. 6593

Planning and Development Department

Legend



Lands to be regulated by
By-Law No. 95-.....

North



Scale
Not to Scale

Date
APRIL 1995

Reference File No.

ZAR-95-16

Drawn By
Z.K.

The Corporation of the City of Hamilton

BY-LAW NO. 95-

To Amend By-law No. 84-35

To Provide For:

MAINTAINING LAND IN A CLEAN AND CLEAR CONDITION

WHEREAS By-law No. 84-35 was enacted on the 14th day of February, 1984;

AND WHEREAS City Council, in adopting Item 8 of the 14th Report of the Planning and Development Committee at its meeting held on May 30, 1995, authorized this By-law;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

Section 7 of By-law No. 84-35 is repealed and replaced with the following:

- "7. (1) The Commissioner or an inspector may make an Order sent by regular mail to the last known address on the assessment records, to the owner, lessee or occupant and by posting on site, requiring the owner, lessee or occupant within the time specified in the Order,
- (a) to keep his private drains in repair;
 - (b) to alter or relay his private drains;
 - (c) to provide for the sanitary disposal of sewage and drainage from his land or structure;
 - (d) to clean, clear or remove from the land or structure garbage, refuse or domestic or industrial waste of any kind;
 - (e) to cease using the land or structure for the dumping or disposing of garbage, refuse, or domestic or industrial waste of any kind;
 - (f) to cover over, screen, shield or enclose the garbage, refuse or the domestic or industrial waste in the manner prescribed by the Commissioner.
- (2) Every notice sent by the Commissioner or Inspector shall identify the land or structure.

PASSED this _____ day of _____, 1995.

CITY CLERK

MAYOR

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO.95-

TO AUTHORIZE AN EXTENSION AGREEMENT

FOR PAYMENT OF REALTY TAX ARREARS

WHEREAS the Municipal Tax Sales Act, R.S.O. 1990, c.M.60, (hereinafter referred to as the "Act"), states that the Council of a municipality may, by by-law, authorize an Extension Agreement with the owner of land in arrears of realty taxes in excess of three (3) years after the registration of a Tax Arrears Certificate and before the expiry of the one year redemption period;

AND WHEREAS the Municipal Tax Sales Act (section 8) states that the said Extension Agreement may extend the period of time, upon the terms specified therein, within which the Cancellation Price is to be paid;

AND WHEREAS, pursuant to the Municipal Tax Sales Act, the Treasurer did register a Tax Arrears Certificate indicating arrears of realty taxes in excess of three (3) years on the lands described in Schedule "A" annexed hereto,

AND WHEREAS, the said land is recorded by The Corporation of the City of Hamilton under the specific Tax Roll Serial Nos. indicated in Schedule "A" annexed hereto.

AND WHEREAS, The Owners of the lands described in Schedule "A" have requested that the City exercise its discretion to pass a bylaw to authorize an Extension Agreement to extend the period of time in which the Cancellation Price may be paid.

AND WHEREAS the one year period within which this by-law may be enacted will therefore expire on the days described as the redemption date of Schedule "A" attached hereto.

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

1. (a) The time open for acceptance and the permitted payments of the Cancellation Price beyond the expiry of the said one year redemption period as set out in Schedule "A" are hereby authorized to be extended pursuant to an Extension Agreement.

(b) The owner of the land described in Schedule "A" may, on or before the redemption date, enter into the Extension Agreement with The Corporation of the City of Hamilton, and the Mayor and City Clerk are hereby authorized to execute the Extension Agreement on behalf of the City.
2. As provided in the Municipal Tax Sales Act, notwithstanding any other provision of this Extension Agreement, it is understood and agreed that while the Extension Agreement remains a subsisting agreement in good standing:

SCHEDULE "A"
EXTENSION AGREEMENTS

A)	PROPERTY ADDRESS SERIAL NUMBER BRIEF LEGAL DESCRIPTION DATE OF REGISTRATION INST # OF TAX ARREARS CERTIFICATE REDEMPTION DATE TOTAL ARREARS	33 Biggar 03 02710 1570 PLAN 606,PT LOT 87 & 88 August 19, 1994 VM191793 August 19, 1995 \$5,083.45
B)	PROPERTY ADDRESS SERIAL NUMBER BRIEF LEGAL DESCRIPTION DATE OF REGISTRATION INST # OF TAX ARREARS CERTIFICATE REDEMPTION DATE TOTAL ARREARS	129 Birge 03 02165 8030 PLAN 283, PT LOT 26 August 19, 1994 VM191796 August 19, 1995 \$7,067.72
C)	PROPERTY ADDRESS SERIAL NUMBER BRIEF LEGAL DESCRIPTION DATE OF REGISTRATION INST # OF TAX ARREARS CERTIFICATE REDEMPTION DATE TOTAL ARREARS	172 Sanford S 03 02430 0760 PLAN 408, LOT 48,PT LOT 49 August 24, 1994 VM191789 August 24, 1995 \$16,057.13
D)	PROPERTY ADDRESS SERIAL NUMBER BRIEF LEGAL DESCRIPTION DATE OF REGISTRATION INST # OF TAX ARREARS CERTIFICATE REDEMPTION DATE TOTAL ARREARS	6 Olmstead 01 00540 7570 PLAN 118,PT LOT 25,LOTS 26 TO 29 August 19, 1994 VM191787 August 19, 1995 \$28,339.62
E)	PROPERTY ADDRESS SERIAL NUMBER BRIEF LEGAL DESCRIPTION DATE OF REGISTRATION INST # OF TAX ARREARS CERTIFICATE REDEMPTION DATE TOTAL ARREARS	12 Ray S 01 01015 3260 PLAN 1435,BLK 1,RANGE 2,PT LOTS 5, 6 August 19, 1994 VM191786 August 19, 1995 \$23,507.78
F)	PROPERTY ADDRESS SERIAL NUMBER BRIEF LEGAL DESCRIPTION DATE OF REGISTRATION INST # OF TAX ARREARS CERTIFICATE REDEMPTION DATE TOTAL ARREARS	48 Haddon N 01 00520 4230 PLAN 652,LOT 1205 August 19, 1994 VM191794 August 19, 1995 \$18,806.49
G)	PROPERTY ADDRESS SERIAL NUMBER BRIEF LEGAL DESCRIPTION DATE OF REGISTRATION INST # OF TAX ARREARS CERTIFICATE REDEMPTION DATE TOTAL ARREARS	843 King E 03 02325 5370 PLAN 571,PT LOT 1 August 19, 1994 VM191790 August 19, 1995 \$42,926.47

SCHEDULE "A"
EXTENSION AGREEMENTS

H)	PROPERTY ADDRESS SERIAL NUMBER BRIEF LEGAL DESCRIPTION DATE OF REGISTRATION INST # OF TAX ARREARS CERTIFICATE REDEMPTION DATE TOTAL ARREARS	215 Nappier 01 01045 3300 PLAN 47,BLK 2,PT LOT 12 August 19, 1994 VM191792 August 19, 1995 \$9,119.64
I)	PROPERTY ADDRESS SERIAL NUMBER BRIEF LEGAL DESCRIPTION DATE OF REGISTRATION INST # OF TAX ARREARS CERTIFICATE REDEMPTION DATE TOTAL ARREARS	71 Horning 08 10730 6988 PLAN M230,BLK A August 19, 1994 LT369731 August 19, 1995 \$1,512.21
J)	PROPERTY ADDRESS SERIAL NUMBER BRIEF LEGAL DESCRIPTION DATE OF REGISTRATION INST # OF TAX ARREARS CERTIFICATE REDEMPTION DATE TOTAL ARREARS	171 Herkimer 02 01303 0100 PLAN 256,PT LOTS 49 & 50 August 19, 1994 VM191788 August 19, 1995 \$11,989.49
K)	PROPERTY ADDRESS SERIAL NUMBER BRIEF LEGAL DESCRIPTION DATE OF REGISTRATION INST # OF TAX ARREARS CERTIFICATE REDEMPTION DATE TOTAL ARREARS	124 Walnut S 02 01435 0370 PLAN 48,PT LOTS 4, 5 & 6 August 12, 1994 VM191176 August 12, 1995 \$56,783.91
L)	PROPERTY ADDRESS SERIAL NUMBER BRIEF LEGAL DESCRIPTION DATE OF REGISTRATION INST # OF TAX ARREARS CERTIFICATE REDEMPTION DATE TOTAL ARREARS	55 Mary 02 01540 3720 SURVEY N HUGHSON PT LOT 13 August 12, 1994 VM191172 August 12, 1995 \$78,339.84
M)	PROPERTY ADDRESS SERIAL NUMBER BRIEF LEGAL DESCRIPTION DATE OF REGISTRATION INST # OF TAX ARREARS CERTIFICATE REDEMPTION DATE TOTAL ARREARS	147 Elgin 02 01565 0790 PLAN 55, PT LT 32,PLAN 287,PT LT 32 December 14, 1994 VM260958 December 14, 1995 \$8,097.93

The Corporation of the City of Hamilton

BY-LAW NO. 95-

Respecting:

APPOINTMENT OF AN EXTERNAL AUDITOR

WHEREAS Section 86(1) of the Municipal Act, R.S.O. 1990, Chapter M.45, authorizes City Council to appoint one or more auditors who are licensed under the Public Accountancy Act for a term of five years or less;

AND WHEREAS the Council of The Corporation of the City of Hamilton in adopting Item 6 of the 18th Report of the Finance Committee on October 8, 1991 appointed the firm of MacGillivray Partners as the City of Hamilton's external auditor;

AND WHEREAS the Council of The Corporation of the City of Hamilton on _____, in adopting Item _____ of the _____ Report of the Finance and Administration Committee appointed the firm of MacGillivray Partners as the City of Hamilton's external auditor for the year ending December 31, 1995;

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

1. The firm of MacGillivray Partners is appointed as The Corporation of the City of Hamilton's external auditor until December 31, 1995.
2. The firm of MacGillivray Partners shall also complete the 1995 Financial Report for The Corporation of the City of Hamilton.
3. The duties of the auditor shall include auditing the accounts and transactions of The Corporation of the City of Hamilton, every local board of The Corporation of the City of Hamilton, as defined by the Municipal Affairs Act, the Hamilton Entertainment and Convention Facilities Incorporated, the Hamilton Hydro Electric System, and all of the Boards of Management for the Business Improvement Areas within the City of Hamilton.
4. The fee payable to the auditor shall be \$99,000 for 1995. The fee shall be reduced if the hours actually spent are less than anticipated by the City and the auditor. All disbursements are included as part of the regular fee.

PASSED this _____ day of _____, 1995.

City Clerk

Mayor

BY-LAW NO. 95 -

**TO CONFIRM PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF
THE CITY OF HAMILTON AT ITS MEETING HELD ON THE 30TH DAY OF MAY,
A.D., 1995.**

WHEREAS by Section 9 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario, 1990, the powers of a municipal corporation are to be exercised by its Council;

AND WHEREAS by Sub-section 1 of Section 101 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario 1990, the powers of every Council are to be exercised by by-law.

AND WHEREAS it is deemed expedient that the proceedings of the Council of The Corporation of the City of Hamilton at this meeting be confirmed and adopted by by-law.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:-

1. The action of The Council of The Corporation of the City of Hamilton in respect to each recommendation contained in the Reports of the Committees and of the local Boards and Commissions and each motion and resolution passed and other action taken by the Council of The Corporation of the City of Hamilton at this meeting is hereby adopted and confirmed as if all such proceedings were expressly in this By-law.
2. The Mayor and the proper officials of The Corporation of the City of Hamilton are hereby authorized and directed to do all things necessary to give effect to the action of the Council of The Corporation of the City of Hamilton referred to in the preceding section hereof.
3. The Mayor, or in the absence of the Mayor, the Acting Mayor, and the City Clerk, or in the absence of the City Clerk, the Acting City Clerk are authorized and directed to execute all documents necessary in that behalf and to affix thereto the seal of The Corporation of the City of Hamilton.

PASSED this 30th day of May A.D. 1995

CITY CLERK

MAYOR



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